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A LEGISLATOR'S HANDBOOK

MONTANA

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A LEGISLATOR'S HANDBOOK

**Presented to Montana's Forty-Fourth Legislature
January 7, 1975**

**Distributed by the Legislative Council
Assisted by the Legislative Service Agencies
and the Legislative Orientation Committee**

PREFACE

You are about to embark on a journey into the Sea of Politics. Any good sailor knows he needs navigational aides to help charter his course. This orientation seminar is put together to aide you in getting your legislative cruise underway.

We of the "Old Guard" do not know all the answers but we are aware of the difficulties that new members face in adjusting to and fully learning the legislative process. Over the years we have provided the legislature with capabilities and service personnel so that it can perform and carry out its tremendous responsibilities to the citizens of Montana.

In the area of legislative services, we have gone from the "horse and buggy days" to the computer age in a very short period of time. The Legislative Council, Legislative Auditor and Environmental Quality Council were created to give the legislators expert knowledge and capability to meet the tremendous and ever increasing problems of state government. These service agencies will be of no value to you unless you familiarize yourself with their functions. Their primary purpose is to serve you so that you will be able to be a better legislator.

We welcome you new crew members aboard and are ready at all times to extend a helping hand. Good luck!

Representative Francis Bardanoue
Chairman, Legislative Orientation Committee

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CHAPTER I

CENTRALIZED SERVICES

BILLS DISTRIBUTION

Copies of bills and amendments are placed on each legislator's desk by the legislative pages as soon as possible after receipt from printing; copies of the daily journal, bill status, and indices of bills are also distributed on each desk.

Additional copies of legislative documents may be obtained from:

Senate: Bills Distribution Clerk, Room 367

House: Sergeant's Office, Room 353

Information on supplying bills to constituents is provided in Chapter IV, Constituents, of this handbook.

COMPENSATION -- BENEFITS

During the 1975 session, each legislator will receive (unless amended) \$33 per day (7 days per week) for expenses and \$20 per day (for each legislative day) for compensation.

The payroll is prepared by the Business Manager. Each legislator is to pick up his/her warrant in the State Auditor's Office, Room 229, State Capitol.

The following deductions will or may be made from legislator's checks:

Social Security at the rate of 5.85% of the gross salary;

Income tax, both state and federal, in accordance with the exemptions claimed on the member's W-4 form;

P.E.R.S. deduction of 5.75% from the checks of those members electing to have retirement deductions;

Insurance deductions are based on the particular plan chosen by the member.

Sick leave and annual leave benefits do not apply to elected officials.

Retirement:

Membership in the P.E.R.S. is optional to all elective officials. If they do not elect membership at the initiation of their term, they retain the right to retroactively pick

up their elected service without prejudice or additional cost provided they are in a position covered by the P.E.R.S.

The basic retirement formula is presently 1/65th times the number of years service times the average of the three highest years salary. (Legislator's salary can be calculated on the annualized basis of \$7200 per year.)

Normal retirement is granted at 60 years of age with ten years of creditable service; at any age with 30 years creditable service; at 55 years of age with 10 years of creditable service with an actuarially reduced benefit.

Creditable service includes not only legislative service but service with any agency covered by P.E.R.S.

P.E.R.S. service is interchangeable with service granted under the Teachers' Retirement System.

Employee contributions are 5.75% of gross salary and are refundable at 6% interest for any member not qualifying for retirement benefits.

In addition to the regular retirement benefits, there are provisions for benefits in case of disability or death.

If you have any questions concerning the Public Employees' Retirement System, please contact the Administrator, 1712 Ninth Avenue, phone -- 449-3154.

Group Health Insurance:

By statute, the members of the legislature are eligible for the state employees' group health and life insurance. Two-thirds of the members must vote for the insurance for legislators as a group to be eligible. Once eligibility is established, any member may sign up.

Even state employees who have other health insurance plans usually opt for the minimum coverage under the state plan. This is because the minimum coverage costs the employee nothing; it is paid by the state's \$10-a-month contribution. This minimum takes two forms: either a health service coverage (doctor's office visits, etc.), without major medical, or major medical without health services. There is no deductible payment by the insured on the health services package, which can thus complement other health insurance with deductible provisions. Blue Shield calls these minimum options "employee only" plans, meaning that the individual only, and not his dependents, is covered.

Fuller coverage, including dependents, is available under either of the two plans which cost a little more and for which the employee pays the difference. These are the high option and low option plans of which Blue Shield representatives can explain the details. In general, they provide a deductible health service coverage and major medical insurance both.

All policies also include a small (\$2000 to \$10,000) term life insurance policy. The term, and the coverage for the health-medical insurance, would begin February 1 and run through the last month of the session. Under the state's contract, a member of the legislature may convert to individual coverage (without the \$10 per month state contribution) after adjournment, or he may simply terminate his coverage.

MAIL

Incoming Mail: Post office boxes on the first floor in the State Capitol are assigned to each legislator. The combination to the lock will be forwarded to you by the Capitol Post Office.

Outgoing Mail: Stenographers are available for assistance in typing letters. These services are detailed later in this section.

Postage is available from:

Senate: Business Manager, Room 366
House: Sergeant's Office, Room 353

During the interim: During the interim, all first class mail is forwarded by the Business Manager; second, third and fourth class mail is filed in the office of the Business Manager where it can be picked up by legislators on their visits to Helena, or forwarded at the legislator's request.

MAPS OF STATE CAPITOL

At the end of this chapter you will find maps of the basement and four floors of the State Capitol Building containing room numbers. Also noted is a list of rooms designated for specific committee rooms and legislative staff.

OFFICE SUPPLIES

Office supplies, including a limited amount of personalized stationery and envelopes, are

available from:

Senate: Business Manager, Room 366

House: Sergeant's Office, Room 353

If supplies are required which are not on hand, they may be ordered through the Business Manager.

PAGE

The services of legislative pages are available for every legislator. There is a "page call" button on each desk. By pushing this button, it lights up your desk number on the page board on the front row of desks in the Chambers to indicate your need of a page.

Pages may be used to deliver or pick up mail at the Capitol post office, state agencies or officials located in the Capitol, notes and messages to other legislators, or, when you are busy in the Chambers, to get you a cup of coffee.

REPORT ABSENCE

If a legislator wishes to be excused from meetings on a legislative day because of illness or any legitimate reason, notify:

Senate: President or Majority Floor Leader

House: Speaker or Majority Floor Leader

STENOGRAPHIC SERVICES

Stenographers and typists are available to all legislators for dictation and typing of letters, news releases, etc. The location of the steno pools is as follows:

Senate: Room 417

House: Room 420

TELEPHONE SERVICES

The centralized phone service is located in Rooms 356 and 357 where pages are on duty from each house to relay incoming calls to legislators.

Outgoing calls may be made on the state watt lines located:

Senate: Room 332

House: Room 341

TOUCH-TONE TELEPHONE INPUT SYSTEM

Portable input units may be checked out from the House Chief Steno, Room 420, or the Senate Chief Steno, Room 417, so that legislators can dictate at home if they so desire and turn in the unit in the morning for transcription by assigned personnel in Room 412, Senate, or Room 420, House.

Dictation may also be given over the telephone:

Senate: 449-2879

House: 449-2871

These telephones are connected with an input recorder.

Contact the Business Manager for additional information on this system.

PAPER RECYCLING PROGRAM

Paper is classified as recyclable and non-recyclable as follows:

Recyclable

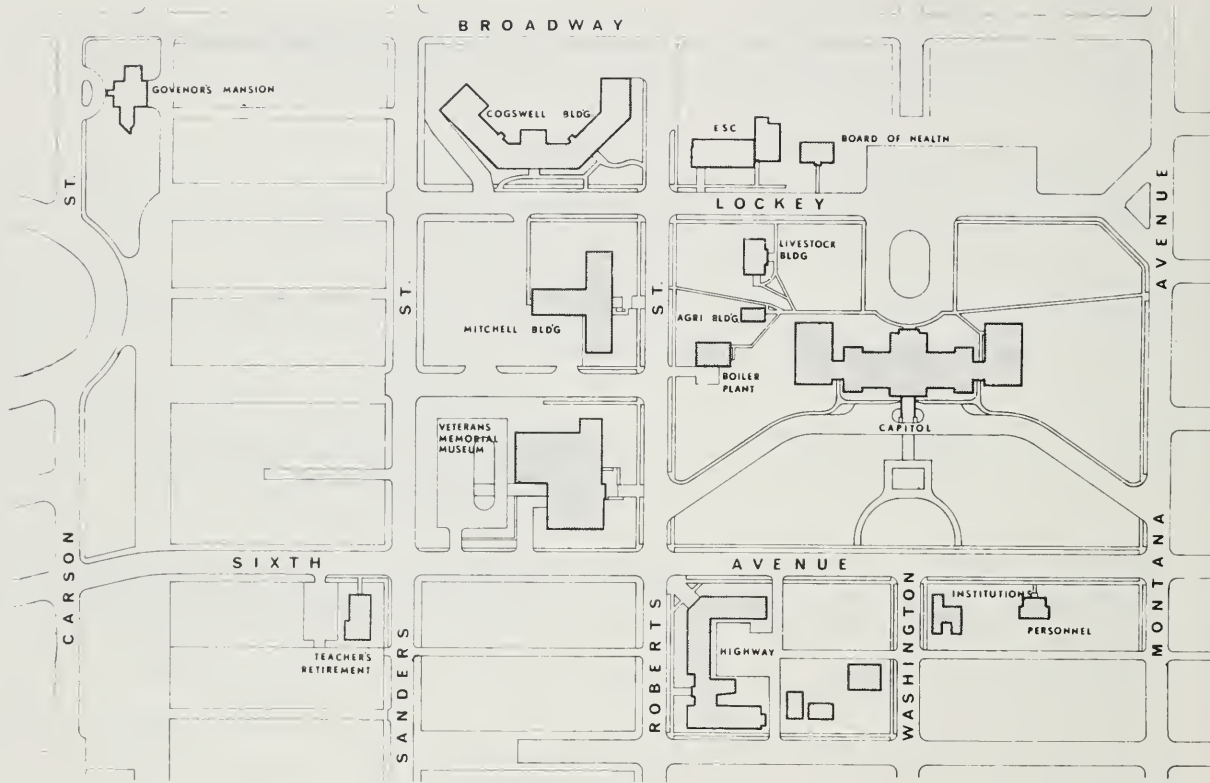
Computer data cards
Computer print-out
Bond paper (all colors)

Non-Recyclable

Carbon paper
Carbonless paper (NCR forms, etc.)
Slick paper (magazines, etc.)
Paper with carbon included
Cardboard

Recyclable paper must be separated from non-recyclable paper. The paper to be recycled should be placed in a cardboard box, labeled "SALVAGE". All other waste paper is disposed of through the regular waste basket channels. The cardboard boxes containing salvage paper will be picked up when full by the messenger service when you call 449-2600, telling them where and how much you have.

Please contact Karen Miller, telephone 449-2600, if you have any questions regarding the paper recycling program.

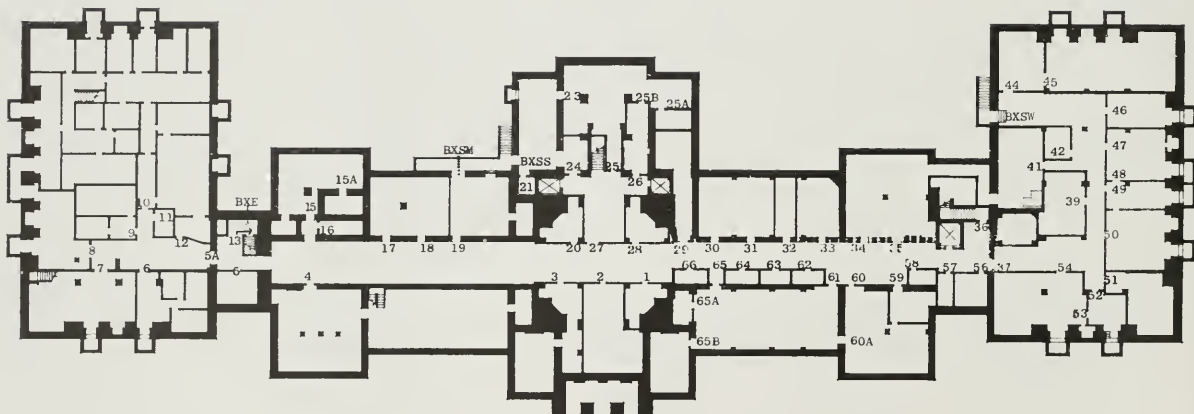


CAPITOL COMPLEX

SCALE 0 50 100 200



25 Cafeteria
 58-61 Duplicating
 31 Legislative Mail Room

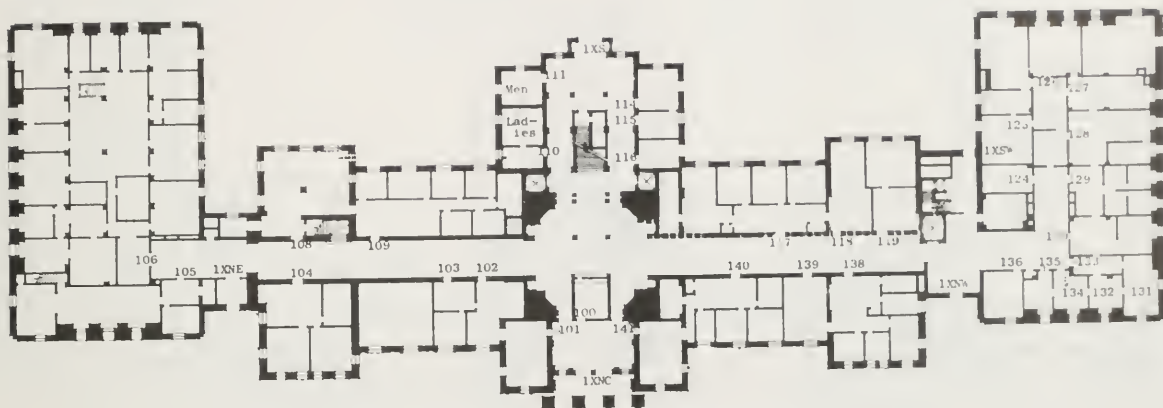


STATE CAPITOL
 basement floor scale $\frac{4}{0} \frac{12}{8} \frac{20}{16}$

100 Post Office
 101 Board of Examiners
 102-103 Environmental Quality Council
 104 Lieutenant Governor
 105 Attorney General
 106 Public Instruction
 108 Conference Room
 109 State Auditor

114-115 Post Office Sorting Room
 117-119 Legislative Council
 124-136 Legislative Auditor
 138-141 Legislative Council

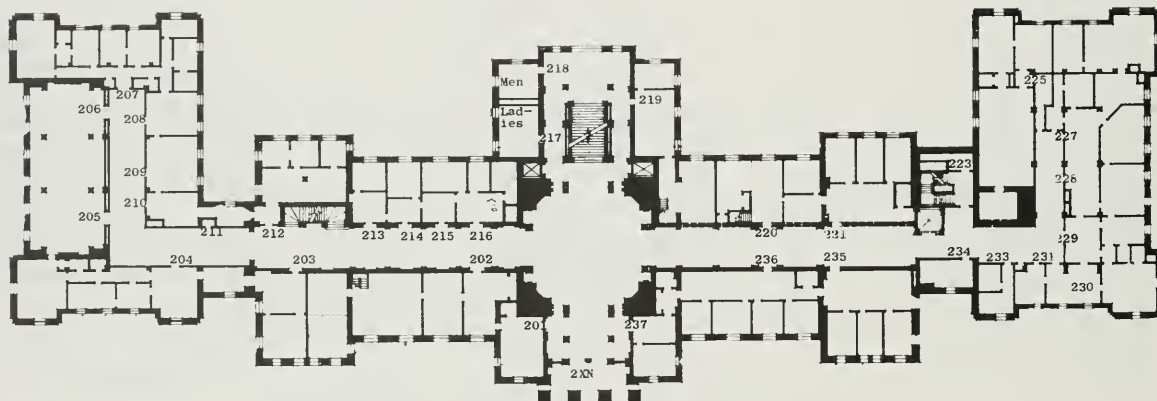
133 House Taxation



STATE CAPITOL
 1st floor scale 0 8 16 20

201-202 Secretary of State
 203-206 Governor
 207-212 Attorney General
 213-216 Governor
 219 Supreme Court Clerk
 220 Secretary of State

221 Budget & Program Planning
 225 Treasurer, State
 227-234 Auditor, State
 235-237 Budget & Program Planning



STATE CAPITOL
 2nd floor scale 4 12 20
 0 5 16

300-326 Supreme Court Area

327 Ladies' Room

329 News Room

330-337 Senate Area

330-331 Senate Finance & Claims

332 Senate Lounge

333 Senate Chambers

335 Men's Room

338 Ladies' Room

339 Men's Room

340-354 House Area

341 House Telephone Room

343 House Appropriations

344

345 Bills Coordinator

346 House Chambers

347 Assistant Chief Clerk

348 Secretaries to Officers

349 Speaker of the House

350 Chief Clerk

351 Majority Floor Leader

352 Minority Floor Leader

353-355 Sergeant at Arms

354 House Foyer

356-357 Telephone Switchboard

358 Men's Room

362 Journal Room

363 Secretary of the Senate

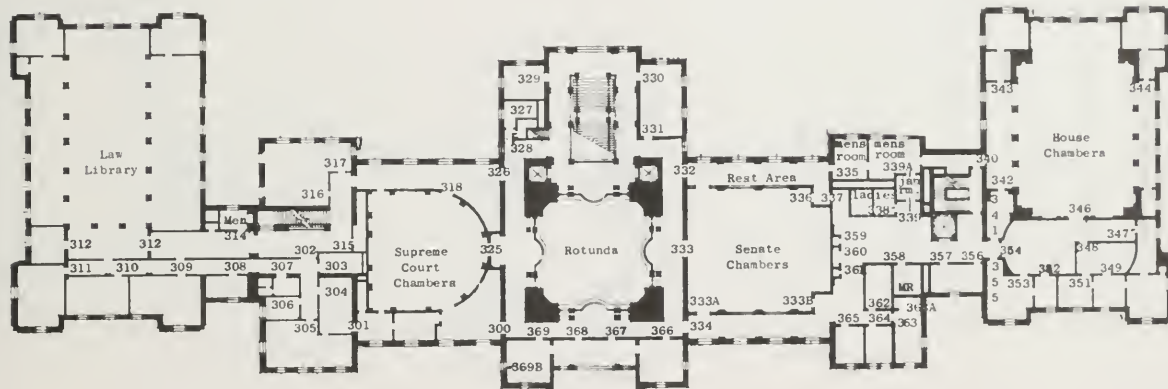
364 President of the Senate

365 Majority Floor Leader

366 Business Manager

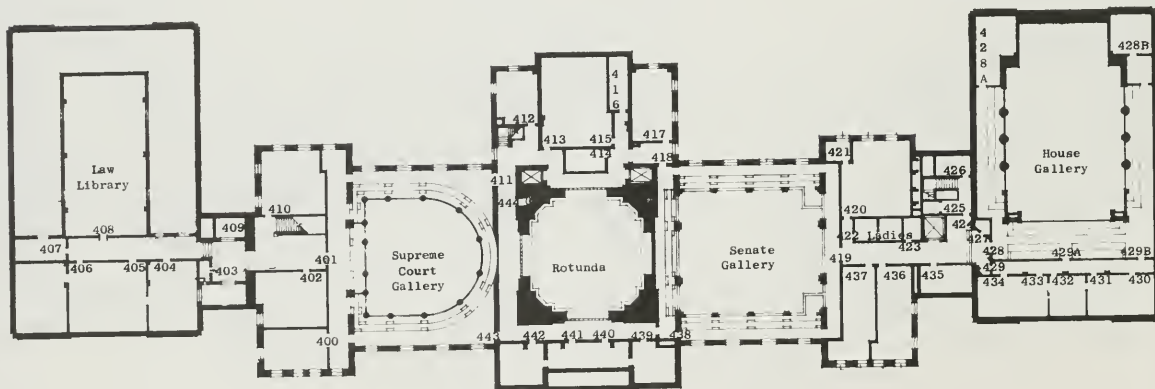
367 Bills Distribution Clerk

369 Minority Floor Leader



STATE CAPITOL
3rd floor scale 0 4 12 20
0 8 16

400	Machine Room	407	Infirmary	428A	House Public Health, Welfare & Safety
402-442	Senate Area	410	Senate Local Government	428B	House Agriculture, Livestock & Irrigation
402	Senate Education	412	Senate State Administration	430-431	House Education
	Senate Labor and Employment Relations	413-415	Telephone Input System		House Fish & Game
404	Senate Business and Industry		Senate Agriculture, Livestock & Irrigation	433-434	House Business & Industry
	Senate Highways and Transportation	414	Senate Taxation		House State Administration
405	Senate Natural Resources and Fish & Game	417	Bills & Journal	435	Proofreaders
	Senate Public Health, Welfare & Safety	420-437	Steno Pool	436	House Judiciary
		420	House Area		House Natural Resources
		426	Steno Pool	437	House Highways & Transportation
		428A	Sergeant at Arms		House Local Government
			House Labor & Employment Relations	439	Sergeant at Arms
				440-441	Senate Judiciary
				442	Judiciary Secretary



STATE CAPITOL
4th floor scale $\frac{4}{0}$ $\frac{12}{8}$ $\frac{20}{16}$

CHAPTER II

NEWS MEDIA

As mentioned in Chapter I, Centralized Services, stenos are available for dictating and typing of news releases. In Chapter IV, Constituents, details will be provided concerning the use of the Public Information Officer for assistance in preparing news releases.

For your information, the following news media cover the legislature:

<u>News Service</u>	<u>Helena Address</u>	<u>Phone No.</u>
Associated Press: J. D. Holmes Steve Graham Hugh van Swearingen Steve Moore	Box 178, 317 Allen	442-7440
United Press International: Bill Hanson John Payne	2021 11th Avenue	442-6470 442-6245
Intermountain Network News: Fred A. Schmauch	Colonial Hilton (KBLL)	442-9670 442-9667
Lee Newspapers: Gary Langley, Bureau Chief Arthur Hutchinson Charles S. Johnson	Box 557, 317 Allen	442-7190 443-4920
Great Falls Tribune: Tom Kotynski Frank Adams	515 N. Sanders	442-9493 442-6110

The pressroom in the State Capitol is located in Room 329, phone 449-3440 or 442-5121. The newsmen may also be contacted at the press table in each house.

If a member of the news media wishes to record any part or all of the standing committee meeting or committee of the whole, prior approval is to be obtained and all committee members advised.

CHAPTER III

LEGISLATIVE INTERNS AND AIDES

The legislature has provided several programs for college students as a means of better informing them about the legislative branch, its process of lawmaking and the responsibilities involved.

LEGISLATIVE INTERNS

The intern program was initiated in 1967 under Senate Resolution 1 of the Extraordinary Session. Seven to ten interns have served each session since that time.

In 1974, the legislature enacted the "Legislative Intern Act" (Sections 43-720 through 43-731, R.C.M.). This act provides for one intern from each unit of the state institutions of higher education. An additional five interns may be chosen from applications submitted by the college presidents.

The legislative interns must have the following qualifications:

- (1) at least one quarter of "state government" or its equivalent as a course of study at an institution of higher learning;
- (2) reached at least the level of a junior at an institution of higher learning;
- (3) exhibit the necessary degree of scholastic achievement, leadership, and involvement in community affairs; and
- (4) preference shall be given to Montana high school graduates.

Each intern is assigned to a legislator by the Legislative Council; the interns are responsible to his or her legislator and is subject to guidelines established by the Legislative Council. A copy of these guidelines has been printed at the end of this chapter.

The program is not funded by the legislature; the student and the university unit is responsible for raising these funds.

LEGISLATIVE AIDES

Legislative aides have, in the past, been chosen by an individual legislator to work as a private aide. The reimbursement of expenses is the responsibility of the aide and the legislator.

Aides are required by joint rule to register with the Legislative Business Manager and to follow the guidelines established for interns.

The responsibility of an aide is to the sponsoring legislator, to do research and any other task assigned.

GENERAL POLICY GUIDELINES FOR THE LEGISLATIVE PROGRAM

These general policy guidelines have been drawn for a legislative internship program to be sponsored jointly by selected units of the Montana university system and the Montana Legislative Council. The guidelines are intended only to establish general policy; they are not intended to answer specific questions on the internship program. Any questions which arise should, however, be resolved within the framework of the policy guidelines listed below.

1. The purpose of the legislative internship program is to provide to advanced students at units of the Montana university system a working knowledge of representative government through observation of the Montana Legislature during its regular sessions by work with experienced legislators. Legislators to whom interns are assigned should attempt to expose them to all steps in the legislative process including the initial party caucus and others as feasible; initial organization and opening day procedures; committee procedures; relationship of the legislator to lobbyists, executive officials, constituents, representative of the news media, and other legislators; research techniques; public hearings; legislative leadership procedures; duties of legislative employees; the mechanics of a veto by the governor; services provided by legislators for constituents; and other pertinent matters.
2. Interns shall be selected by the presidents of the various university units. The selection shall not be restricted to students from any particular academic discipline. Rather, the selection shall be based upon the ability, knowledge, and maturity of the individual students.
3. While participating in the program, interns are under the general supervision of the Legislative Council and the immediate supervision of the legislator to whom they are assigned.
4. Interns will not be allowed to attend political party caucuses or other privileged political meetings called by party leadership during the session.
5. All non-assigned research projects conducted by interns for their own use must be approved by their legislative sponsors. All non-assigned research projects conducted by interns which will be published or otherwise released to the general public must be approved by the Legislative Council.
6. Lobbying by interns on particular bills or issues will not be allowed.

(Refer to Sections 43-720 through 43-731, R.C.M.)

CHAPTER IV

CONSTITUENTS

Various personnel and methods are made available to constituents so they may be kept fully informed of legislative activities and issues.

PUBLIC INFORMATION OFFICER -- GUIDE SERVICE

The Public Information Office is located in the Capitol Rotunda, second floor. The purpose of this office is to provide public relations services and information as follows:

- (1) answer inquiries of citizens visiting the capitol or calling on the toll-free line (800-332-3408);
- (2) tape interviews with legislators for release through their home stations;
- (3) conduct guided tours of students and advise legislators when schools were visiting from their respective districts;
- (4) prepare daily taped messages on hearings for any stations desiring them;
- (5) take pictures for hometown newspapers.

SECRETARY OF THE SENATE -- CHIEF CLERK OF THE HOUSE

The staff in these offices can provide information on the status of a particular piece of legislation, the schedule of standing committee hearings, and recorded votes of the Committee of the Whole.

WITNESSES AT A STANDING COMMITTEE HEARING

Information of value to a constituent who wishes to appear as a proponent or opponent of a bill in standing committee is detailed in Chapter VI, Standing Committee Procedures, of this handbook.

You may also want to talk with the Committee chairman when the bill is to be heard for additional information on conducting a particular hearing.

STENO POOL

Details of the typing and stenographic services available are listed in Chapter I, Centralized Services.

MAILING BILLS TO CONSTITUENTS

Because of the paper shortage and tremendous costs involved, copies of all bills are not mailed to constituents. However, bills of particular interest may be mailed in the same manner as other outgoing mail.

HOW A BILL BECOMES LAW

The cartoon illustrates the legislative process in the U.S. House of Representatives, showing a bill's journey from introduction to final passage or veto. The process is depicted as a series of steps, with anthropomorphic bill characters and human figures representing various roles.

Step 1. Introduction: A bill character is introduced by a person.

Step 2. First Reading: The bill character is read aloud.

Step 3. Referred to Committee: The bill character is sent to a committee, indicated by a sign that says "TO COMMITTEE".

Step 4. Committee Hearing: The bill character is heard by a committee.

Step 5. Committee Report: The committee reports on the bill.

Step 6. Placed on Calendar: The bill character is placed on a calendar.

Step 7. Second Reading: The bill character is read aloud a second time.

Step 8. Placed on third reading calendar: The bill character is placed on a calendar for a third reading.

Step 9. Third Reading: The bill character is read aloud a third time.

Step 10. Transmittal to other house: The bill character is sent to the other house, indicated by a sign that says "TO SENATE".

Step 11. First Reading: The bill character is read aloud in the other house.

Step 12. Referred to Committee: The bill character is sent to a committee in the other house.

Step 13. Committee hearing: The bill character is heard by a committee in the other house.

Step 14. Committee Report: The committee reports on the bill in the other house.

Step 15. Placed on calendar: The bill character is placed on a calendar in the other house.

Step 16. Second Reading: The bill character is read aloud a second time in the other house.

Step 17. Placed on third reading calendar: The bill character is placed on a calendar for a third reading in the other house.

Step 18. Third Reading: The bill character is read aloud a third time in the other house.

Step 19. Enrolled and sent to Governor: The bill character is enrolled and sent to the Governor, indicated by a sign that says "TO GOVERNOR".

Step 20. Bill passed, differing forms: The bill character is passed by the House in a different form.

Step 21. Conference committee reports: A conference committee reports on the bill.

Step 22. Enrolling: The bill character is enrolled.

Step 23. Governor's decision: The Governor makes a decision on the bill.

Step 24. Law Book: The bill is added to the Law Book.

Other paths shown:

- Vote on final passage**: A vote is taken on the final passage of the bill.
- If bill fails to pass**: If the bill fails to pass, it may be referred to committee or may receive no further consideration.
- If house rejects changes**: If the House rejects changes, the bill is returned to the original house.
- Conference committee attempts to iron out differences**: A conference committee attempts to iron out differences between the two houses.
- Both houses consider reports**: Both houses consider reports from the conference committee.
- Accept compromise sent to enrolling**: A compromise is accepted and sent to the enrolling stage.

Step 1. Filing. Bill is filed for introduction with Clerk of the House or Secretary of the Senate.

Step 2. First reading. Bill's title is posted and it is ordered printed on white paper.

Step 3. Committee reference. Bill is referred to proper committee by House Speaker or Senate President. Referral is posted.

Step 4. Committee consideration. Committee holds public hearing on bill, then discusses it. May vote to amend bill.

Step 5. Committee report. Committee reports its recommendation that bill "do pass", "do pass as amended", or "do not pass".

Step 6. Placed on calendar. Simple "do pass" and "do not pass" reports are printed as such in the journal. The text of amendments reported by the committee is printed in full. Bills receiving favorable reports are printed on yellow paper, incorporating any reported amendments, and placed on calendar for second reading. Bills with "do not pass" reports are not placed on the second reading calendar unless a motion is made to that effect and passed. If "do not pass" report is adopted, bill drops out of further consideration.

Step 7. Second reading. Entire body debates bill, as the "Committee of the Whole". Amendments may be offered and voted on. Bill defeated here drops out of further consideration.

Step 8. Placed on third reading calendar. Bill approved by Committee of the Whole is ordered printed on blue paper, incorporating all amendments made up to that point. (This is known as an "engrossed" bill.)

Step 9. Third reading. Bill subjected to a simple

"yes" or "no" vote by entire body, in which (by constitutional requirement) each member's vote must be recorded and printed in the journal. No amendments may be considered. Bill defeated here drops out of further consideration.

Step 10. Transmittal to other house. Same as filing, Step 1, except the other house works with the blue copy.

Step 11. First reading. Summary of title and history is posted.

Step 12. Committee reference. See Step 3.

Step 13. Committee consideration. See Step 4.

Step 14. Committee report. Second-house committee phrases a favorable report as "be concurred in", or "be concurred in, as amended". Unfavorable report is "be not concurred in".

Step 15. Placed on calendar. Same as Step 6, except that instead of a yellow-paper copy, the bill is prepared for second reading with committee amendments printed on green (House) or pink (Senate) sheets. Bills with unfavorable reports are not placed on calendar unless the committee recommendation is reversed by the full body. Bills as a whole not revised.

Step 16. Second reading. Same as Step 7.

Step 17. Placed on third reading calendar. Same as Step 8, except bill is reprinted on red paper to include all amendments made in second house.

Step 18. Third reading. Same as Step 9.

Step 19. Bill passed by both houses in identical form. Enrolled and sent to governor.

Step 20. Bill passed by both houses in differing forms.

The second house returns a bill to the house of origin approved with amendments, sent with a message requesting concurrence in the amendments.

The question is voted in the Committee of the Whole, (e.g.) "shall the (Senate) amendments to (House) Bill No. ____ be concurred in?" If the vote in the house of origin is in favor of concurrence, the bill is enrolled.

If a motion is made and adopted that the amendments not be concurred in, the originating house will usually request conference committees (or it may send a message to the second house asking it to recede from its amendment). If a conference is sought, a motion is made to authorize the House Speaker or Senate President to appoint a conference committee (regular or free) to meet with a like committee from the otherhouse to resolve the differences. (Regular conference committees may consider only the disputed amendments; free conference committees may revise any part of the bill.) This action, if approved, is communicated to the second house in a message, and the second house then appoints a conference committee in the same manner.

Step 21. Conference committee reports. If conferees settle differences, each contingent reports to its parent body that the bill be further amended in some fashion or that one house recede from amendment and then approved. Adoption of the report means the house approves the bill as the conferees recommend.

If conferees cannot settle differences, they report their disagreement and either body may ask that a new conference committee be appointed.

Step 22. Enrolling. Bill is checked for accuracy and Legislative Council assigns code section numbers to new provision of law.

Step 23. Governor's desk. Governor either signs or vetoes bill, or allows it to become law without his signature. Legislature may vote to override vetoes if it has not adjourned. (Refer to State Constitution, Article VI, section 10.)

CHAPTER VI

STANDING COMMITTEE PROCEDURES

COMMITTEES IN THE MONTANA LEGISLATURE

The committee system has not been as powerful in Montana as it is in many legislative bodies such as Congress. This is because committees must report their actions on all bills they receive to the floor of the Senate or House -- a bill seldom dies in committee in Montana by simply not being reported out. Nor is a committee's recommendation given automatic deference; in 1974, in the House, many "do not pass" recommendations were overturned, and a number of "do pass" recommendations were rejected on the floor. Whatever the type of committee system adopted, it behooves a new legislator to know something about the workings and personnel of the committees and some points of etiquette when a bill he introduces is referred to a committee to be heard.

WHAT GETS DONE IN COMMITTEES

Hearing witnesses:

When a hearing is held on a bill, the chairman calls for the proponents of the bill to identify themselves and present their statements. It is customary for the legislator sponsoring the bill to speak first. The sponsor may introduce the constituent, lobbyist, or other person who has brought the bill or the problem to him and who is present to testify. After all proponents have been heard, the chair will invite opponents, if any are present, to testify. The secretary has each witness, including the sponsor, complete a short registration form. When the opponents have finished, the chair may give the proponents several minutes for rebuttal testimony. Committee members may question a witness either at the close of his testimony or at the close of all testimony, depending on the chairman's ground rules.

Revising and amending bills:

A committee member may, when questioning a witness, ask him if a problem in the bill could be cured by an amendment which the member spells out. However, it is customary to move an amendment in the committee's executive session after the close of testimony. The committee, in passing on the motion, may instruct the committee researcher to write up the amendment in the proper form.

Amendments developed by a subcommittee should be distributed to the full committee at an executive session designated by the chair for the report of the subcommittee. A subcommittee member will usually move the adoption of the subcommittee's recommendations following discussion of the subcommittee's report.

Disposing of bills:

After the hearing and executive session discussion, which may include consideration of amendments or subcommittee reports, a member will say, "Mr. Chairman, I move that (House) (Senate) Bill No. ____ do (or do not) pass." Sometimes a member disagreeing with this position will then say, "Mr. Chairman, I move that (House) (Senate) Bill No. ____ do not (or do) pass." By the parliamentary procedure rules, the substitute motion, if offered, is voted on first. The chair may announce that, without objection, the vote on the substitute motion is considered the reverse of the vote on the first motion. (It is possible but rare that a member, feeling that a bill should be further refined before a recommendation is made to the full body for "do pass" or "do not pass", would vote against both motions.) If amendments to the bill have been adopted by the committee, then the motion is "do pass, as amended" or "do not pass, as amended".

Reporting action to the full body:

A committee, or its majority, makes one of four recommendations to its parent branch. If the bill was introduced in the same body, the committee reports that the bill "do pass" or "do not pass". If the bill has been passed by the other body, the committee recommends that it "be concurred in" or "not be concurred in". "As amended" should be added, if applicable, in each of the four reports when the amendments have been adopted by the committee.

The procedures of the Senate and House differ in cases where a committee report is controversial. In the Senate, a unanimous committee report is usually the end of the matter but if a minority of the committee wishes to file a minority committee report, both reports (e.g., "do pass" and "do not pass") are placed before the body and debated under committee reports. In the House, only the prevailing position is posted and a member who objects, if that position is "do not pass", may place the issue on the second reading calendar and debate it.

When a committee brings to the floor a bill which originated in the other body, naturally the sponsor cannot be present to explain and carry the bill. In this situation, the committee chairman appoints a member to carry the bill when the committee decides that the bill should "be concurred in". A committee member so designated should consult with the sponsor or the committee researcher for background information

so that he can explain the bill on the floor.

Conference committees:

When the two bodies are unable to reconcile their versions of the bill on the floor, the leadership will appoint three senators and three representatives, usually from the committees which considered the bill, to be conferees. Some conference committees meet with full formality. Toward the end of the session, some committees may not physically meet at all due to the press of time and the difficulty in scheduling a formal meeting. In these cases, the sponsor (or a proponent of the bill) contacts the various conferees individually with the proposed compromise language and collects the signatures on the report.

WHO DOES WHAT IN COMMITTEES

Committee chairman:

The chairman is designated by the leadership and under the joint rules "has general control and direction of the hall and committee room" (Rule 7-7).

He decides the scheduling of bill hearings and sets the agenda for each meeting and ground rules for hearings. For example, he may allocate forty minutes for testimony on a bill to be divided equally between proponents and opponents. He may appoint a subcommittee, either pursuant to a motion adopted or on his own initiative, to do further work on a bill. The chairman always controls the floor during committee discussion and recognizes members who wish to speak.

Committee vice-chairman:

The vice-chairman is selected by the Speaker of the House or Senate Committee on Committees. He presides over meetings when the chairman is absent. Some chairmen will also have the vice-chairman preside over a hearing on a bill which the chairman has sponsored.

Committee secretary:

The secretary to the committee is selected by and is responsible to the chairman. The secretary's duties include keeping minutes of meetings, registering witnesses who testify, recording committee votes, notifying bill sponsors of hearings, and typing committee reports and amendments. The secretary also maintains a book for each member which contains a copy of each bill referred to the committee and a copy of each

fiscal note prepared for those bills.

Committee researcher:

An attorney or researcher from the Legislative Council staff is generally assigned to a committee by the Council Executive Director, with the concurrence of the committee chairman. The committees on finance and claims, and taxation are staffed by the Office of the Legislative Auditor. The researcher's duties include drafting amendments to bills before the committee as requested by members or subcommittees, reviewing bills for technical or constitutional problems, and conducting research for subcommittees or individual members.

ETIQUETTE FOR SPONSORS BEFORE COMMITTEES

The most elementary courtesy a sponsor can show a committee is to be there when his bill is heard; even this is not always done in the press of legislative business. If a sponsor cannot appear at a scheduled hearing on his bill, he should notify the chairman of the committee as early as possible. Chairmen do not enjoy announcing the postponement of a hearing to a room full of people who have come to testify on that bill. A change of dates should be posted at least four or five days in advance to avoid inconvenience.

If the sponsor wishes to bring in a number of people to speak as proponents, he should know whether their statements would be similar and take steps to avoid repetitious testimony. It is sufficient for a witness who would be repeating another's statement to give his name, address, and state his concurrence, and the committee members will appreciate this.

Sponsor's etiquette may also be involved in special situations as follows:

Written statements:

If a sponsor or witness wishes to submit a written statement to the committee, it will be most effective if a copy is made for each member and each copy is perforated to go into a 3-ring notebook. A single copy, if submitted, will be preserved with the minutes by the secretary but the individual members will not have time to give it more than a cursory glance. The perforation allows each member to insert the statement in his bill book.

Graphic presentations:

Each committee room has a blackboard and chalk. If an easel or a slide projector is

is to be employed, the committee secretary should be notified the day before the hearing.

Reference to codes:

The effect of some bills may be understood only by referring to sections of existing law not set forth in the bill. Not all committee rooms have sets of the Revised Codes of Montana. If this situation arises in such a committee room, a sponsor should notify the committee researcher before the hearing so that the necessary volumes of the codes may be brought to the room.

Scheduling:

If a sponsor approaches a committee chairman with a hearing date request, he should be aware of the considerations affecting the chairman's scheduling decisions. These include:

- (1) degree of controversy: A chairman will try to schedule perhaps four or five bills on a day if they are expected to be relatively uncontroversial, and to hear only one or two bills if sharp arguments are expected to develop at the hearing.
- (2) degree of complexity: A long or complicated bill may require all of the two hours a committee usually has for hearings, while a short and simple one, even if controversial, can usually be heard in a fraction of this time.
- (3) numbers of expected witnesses: If a large turnout is expected, chairmen sometimes make special arrangements for hearing the bill in a space larger than the committee room, such as the chamber of the House or Senate. Hearings in one of the chambers must be held in the evening. Room 108 in the State Capitol may also be used for hearings. Arrangements for using the chambers or Room 108 should be made through the Secretary of the Senate, Chief Clerk or Legislative Business Manager.
- (4) subject matter affinity: Some chairmen will try to hear bills on the same subject together, since the committee may have to choose between these bills. The sponsors of separate bills on the same subject should try to coordinate their scheduling requests.

CHAPTER VII

FISCAL NOTES

A fiscal note is an analysis of a bill's dollar impact on state revenues, expenditures, or financial liability.

Procedures governing fiscal notes are encompassed in Joint Rule 6-36 of the 43rd Legislature and codified as Sections 43-1001 through 43-1006, R.C.M. 1947.

Joint Rule 6-36 provides that:

- (1) All bills reported out of a committee having a fiscal impact and not carrying specific dollar appropriations shall include a fiscal note.
- (2) The Legislative Council staff shall indicate at the top of each bill prepared for introduction when a fiscal note may be necessary under this rule.
- (3) Fiscal notes shall be requested by the presiding officer of either house who shall determine the need for the note at the time of introduction.
- (4) A fiscal note also may be requested on a bill and on an amendment by
 - (a) A committee considering the bill.
 - (b) A majority of the members of the house in which the bill is to be considered, at the time of second reading.
 - (c) The chief sponsor through the presiding officer.
- (5) The notes are prepared by the executive Office of Budget and Program Planning, in cooperation with agencies affected by the bill, within six days from the request unless more time is granted by the presiding officer.
- (6) No comment or opinion of the merits of the bill are permitted on the fiscal note.
- (7) Completed fiscal notes are referred to the committee considering the bill, and copies are printed and placed on the members' desks.

Background information used in developing a fiscal note can be obtained directly from the executive Office of Budget and Program Planning or through the Legislative Auditor's Office.

Upon request, the Legislative Auditor's staff will independently develop the fiscal impact of a bill.

Attached are two sample fiscal notes. They typify fiscal notes prepared for legislation having an effect on revenue and expenditures respectively.

STATE OF MONTANA

REQUEST NO. 37-74

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, 1974, there is hereby submitted a Fiscal Note for House Bill 656 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

SAMPLE FISCAL NOTE: This is an example of a fiscal note prepared for legislation having an effect on Revenue.

DESCRIPTION OF PROPOSED LEGISLATION:

A proposal to raise the personal exemption in computing Montana taxable income from \$600 to \$750.

ASSUMPTIONS:

1. The number of exemptions claimed on returns will be 660,000 in calendar year 1974 and 670,000 in calendar year 1975.
2. The effective tax rate with the 10% surcharge will be 5.25% in 1974 and 5.4% in 1975.
3. Revenue loss will be realized as follows: 1/4 of calendar year 1974 loss will be realized in FY 1974; 3/4 of calendar year 1974 and 1/4 of calendar year 1975 will be realized in FY 1975.

REVENUE IMPACT:

	FY 74	FY 75
Individual income tax collections under current law	\$ 72,210,000	\$ 77,080,000
Individual income tax collections under proposed law	70,910,000	71,780,000
Decrease in individual income tax collections	<u>\$ 1,300,000</u>	<u>\$ 5,300,000</u>

CONCLUSION:

Increasing the personal exemption to \$750 will result in a decrease in income tax collections of \$6.6 million during the biennium. State income tax collections are allocated as follows: 64% to the General Fund; 25% to the Earmarked Revenue Fund, School Equalization Aid; 11% to the Long-Range Building Program.

BUDGET DIRECTOR

Office of Budget & Program Planning

Date: January 21, 1974

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, 1974, there is hereby submitted a Fiscal Note for House Bill 693 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

SAMPLE FISCAL NOTE: This is an example of a fiscal note prepared for legislation having an effect on Expenditures.

DESCRIPTION OF LEGISLATION:

House Bill 693 is an act regulating campaign finances and practices, limiting campaign expenditures, and creating the position of commissioner of campaign finances.

ASSUMPTIONS:

1. The act would be effective April 1, 1974.
2. A June primary is assumed.
3. Costs are based on 400 candidates and fund raising clubs in the primary election, and 300 candidates and clubs in the general election. These are based on actual figures from the 1970 and 1972 elections.
4. The commissioner's staff would include an assistant, one secretary, one clerk, and temporary help for periods before and after elections.

FISCAL IMPACT:

	FY 73-74	FY 74-75
Proposed Law		
Personal Services	\$ 14,650	\$ 53,760
Operating Expenses	6,550	14,500
Capital Outlay	4,000	1,000
Total expenditure under proposed law	\$ 25,200	\$ 69,260
Expenditures under current law	2,795	1,795
Increased expenditures under proposed law	<u>\$ 22,405</u>	<u>\$ 67,465</u>

LOCAL IMPACT:

County clerks and recorders would have added work in handling the reports generated by this act. The county attorney also has some investigative and review tasks assigned to his office.

 BUDGET DIRECTOR

Office of Budget & Program Planning

Date: January 21, 1974

CHAPTER VIII

LOBBYISTS -- THE THIRD HOUSE

(Submitted by a Registered Montana Lobbyist)

As a legislator you will be exposed to a variety of bills having potential effect on the private, business, and public lives of all Montanans. The intense focus of the possibilities for change which a legislative session represents, generates conflict among proponents and opponents of that change.

Responding to this conflict, private citizens, public officials and representatives of diverse groups seeks to influence you, the legislator, in your decisions on legislation and other policy matters -- an activity known generally as lobbying. The following presentation discussed distinctions among types of lobbyists, legal requirements covering lobbying, and general information aimed to help you understand lobbying.

Actually, historians fail to identify the world's first lobbyist. There are those who think it's a toss-up between the serpent and Eve.

More realistically, the first lobbyist probably loaned a spare club to the tribal chief after a sabre-toothed tiger splintered his leader's first weapon. On the other hand, he may have been the keeper of the flint for whoever was in charge of building fires in the cave. Specifics aside, he always has been a person of influence noted for his wisdom and traditionally occupied a position of trust.

I won't insist lobbyists delivered gold, frankincense, and myrrh to Bethlehem; but you'll never find lobbyists more effective than those who shared the Last Supper.

The transition from Witch Doctor to Disciple may seem incongruous in light of a more recent definition: a lobbyist is someone probably past middle age, slightly over weight, intelligent, cold, passive, noncommittal, with eyes like a codfish, polite in contact but at the same time unresponsive. Cool, calm and damnably composed as a concrete post or plaster of paris. A human petrification with a heart of felspar, without the charm of a friendly germ, minus bowels, passion, or sense of humor. Fortunately, lobbyists never reproduce and all of them finally go to hell!

Actually, today's lobbyist derives his name from the lobby of Britian's House of Commons -- where people gathered to make their desires known to members of Parliament. The fact that most public buildings still have spacious lobbies and that space still used for the traditional purpose, accounts for the fact that the name has stuck.

It should be noted that lobbyists in this state are now barred from approaching lawmakers in the lobby of the House of Representatives and as stated in Chapter 2(2) of the 1974 Joint Rules of the Montana Legislature, lobbying on the floor of the Senate or House of Representatives is prohibited while the bodies are in session and within one hour prior to the commencement of a session and within one-half hour after recess or adjournment.

One often thinks of a lobbyist as any person who seeks to influence legislation whether for pay or on a regular basis as a volunteer, but a private citizen who infrequently attempts to communicate with a legislator is not usually considered a lobbyist. The generally fulltime nature of a lobbyist's job distinguishes those who are informally known as lobbyists from those who are merely private citizens.

Montana law formally defines lobbying and makes certain demands on lobbyists. For the purpose of Lobbyist Registration and License Law (Chapter 157, Laws 1959; Sections 43-801 through 43-808, R.C.M. 1947) a lobbyist is a person who, for hire, engages in the practice of promoting or opposing the introduction or enactment of legislation. Conversely, individual citizens who receive no reimbursement for their efforts to influence a legislator, public officials acting in their official capacity, and persons who appear exclusively before legislative committees are not lobbyists under the law.

It should be noted that certain persons are actually prohibited by the Rules of the Montana Legislature from lobbying. Chapter 3(3) governing legislative employees states that an employee, legislative aide or legislative intern of either house is prohibited from lobbying as defined in Section 43-802(1), R.C.M. 1947.

A person or group that hires a lobbyist is known as a "principal". Principals reflect the total range of persons and groups having a pecuniary or policy interest in legislation; including corporations; cooperatives; public utilities; associations of private individuals, businesses, or industries; associations of public officials or governments; or any other special or public interest.

Montana lobbyists represent everyone from welfare mothers, truck drivers, trout anglers, backpackers, and other broadly based coalitions of "good guys" united by the goals of clean air, water, or free speech to other more stereotyped groups such as state employees, bankers or tavern owners. In addition to paid professionals there is a host of volunteers and their groups have proliferated in recent years. They often employ professionals because they learn emotional appeals are poor substitutes for facts when facing a legislative committee. All -- paid professionals and super-dedicated volunteers -- represent special interests. Of the three kinds of special interest groups; profit, non-profit and governmental, by far the broadest and strongest political activity is generated by the non-profit special interest group.

The law requires both the lobbyist and the principal to register with the Secretary of State who keeps a current list, or docket, of lobbyists and principals. Any citizen may inspect the docket during normal business hours. In addition, the Secretary of State provides a copy of the docket to the legislature and updates it every Tuesday during the session. The Montana Student Lobby plans to issue a copy of the docket in booklet form in mid-January and keep it current with filler pages.

A person who violates the lobbyists registration law may be invited to be the guest of the Lewis and Clark County Sheriff for six months or asked to donate \$200 to the County General Fund, or both. A lobbyist who seeks to influence legislation by any other means than arguing the merits of that legislation or who makes disparaging remarks about other lobbyists or about legislators may find his license revoked. More serious offenses such as bribery and improper influence are covered in the criminal code (Sections 94-7-102 and 94-7-103, R.C.M. 1947).

Lobbyists as a group wield a tremendous influence over the legislature -- enough so that the lobbyists are often referred to as the Third House. Keeping that influence legitimate is the purpose of strict licensing and registration laws. This is the intent but many a respected lobbyist feels that the laws are designed to trap the modern day equivalent of the 19th-century railroad lobbyist who used broads, bribes, and booze to succeed -- and there is no such scapegoat today. The antidote is remedial legislation produced to restore public confidence in government by removing corruption, or the appearance of corruption by revamping rules of the political game concerning conflict of interest, campaign finances and lobbying activities.

The key issue here is whether these reforms will involve substance or merely symbolic tinkering. Traditionally, one vehicle for restoring confidence without radical change has been to legislate new lobbying rules which do create symbolic reform without affecting working relationships. Lobbyists are perfect targets, for in the public mind they personify the influence problem. Actually, lobbying is merely one form of group influence and corrupt activities a minute part of that form; but if the public insists, the lobbyist players can be identified for the rules of the game. The solution to the reform problem raises a new issue, namely the need to define the laws' coverage in terms concrete enough for prosecution, broad enough to cover lobbying activities, and narrow enough to circumvent those individuals protected by the First Amendment right to petition their representatives. Perhaps if it weren't for their symbolic whitewashing function these laws would be discarded because they are clearly redundant of those criminal statutes which already cover bribery, misrepresentation, and other similar misdeeds. A meaningful lobbying law should not focus on the individual as a surrogate for corruption in the governmental process, but on the process itself -- focus on activity rather than activator. The laws do not seem designed to produce information relevant to group roles in the public decision-making process.

In the past, lobbyists activities often crossed the line between proper and improper influence. Despite well-publicized exceptions, few lobbyists today fit the whiskey-guzzling, cigar chomping, gift bearing, influence-peddling image that went with the lawmaking when that practice was peopled by free-wheeling politicians bent first on lining their own pockets at the public's expense. It can be safely said that lobbyists are a reflection of those they seek to influence.

Today's professional lobbyists in Montana is truthful, dispassionate, and honest. If he misleads, he is no longer welcome. If he threatens, he polarizes his opposition. And if he tries to buy, he either gets a dishonest ally he can't rely upon, or a jail sentence. He wants to be trusted because he intends to be in the capitol for the rest of his career.

As Montana lawmakers have kept their houses in order, Montana's professional lobby has taken consistent steps to operate on the same high plane. As a result, those who serve in the state's bicameral legislature take pride in their unofficial designation, the Third House. It is a truism, if lawmakers remain honest, lobbyists won't have any choice but to follow suit.

You might ask: Why lobbying at all? Because the chief lobbying technique is conveying useful information related to the technical details of legislation substance or the political realities of administrative regulation. Without this flow of information officials would be hard pressed to deal competently with the thousands of specialized issues that cross their desks. The successful professional Montana lobbyist is a source of specialized information, accurate data, and infallible analysis. He is the necessary ingredient of the lawmaking process, so recognized by the late John Kennedy, who said a lawmaker's best opportunity for obtaining information occurred when opposing lobbyists argued their cases. The necessity is apparent when one considers the great mass of material flooding around each lawmaker, for as Montana has grown, so has its government. Our last session considered 2000 plus bills. This number has increased to such an extent that the legislature has created its own bill-drafting department -- the office of the Legislative Council.

New laws are not written on the floor of the legislature. They are hammered out line-by-line and word-by-word before a session and exposed to the same process in one or more committees during the session. Lobbyists participate at every level. Members provide direct testimony and analysis based on their day-to-day experience. Staff is often called upon to contribute to the document itself. If the professional lobbyist is unable to convince bill drafters that his opinion should prevail, he then seeks support among those whose votes will ultimately pass or defeat the measure. Much of the time he prevails upon supporters to effect compromise that will enable the bill to pass but soften the effect on his client -- getting the job done without killing the goose that lays the golden egg.

I use this phrase knowingly, because in Montana more than in many states, preservation of

the businessman's ability to turn a profit is all-important to every resident of the state. Our state government is so dependent upon revenue from income taxes that if lawmakers get too heavy handed the source of funds they seek to spend just might dry up; and employment -- payrolls -- generate those all-important income taxes that pay for the vast majority of goodies bestowed upon those who receive the state's largess.

I would be remiss if I didn't try to clear up one popular misconception -- that the professional lobbyist works just during the session. He works the year round, with the periods between sessions usually as busy as the actual legislative time. He has to use these interim periods to monitor implementation of newly enacted legislation, often participating in the formulation of rules and regulations indicated by the law. It is the time when legislative interim committees, task forces, advisory boards and pressure groups begin formulating new proposals for the next session.

Even though the efforts of a lobbyist are admittedly self-serving in that he is communicating a client's or employer's concerns to the legislature he still feels he is rendering a distinct service in the interest of better government. It should be emphasized that even though among his reserves of power is, of course, the legitimate use of money, he uses nowhere as much money as he is often accused of spending and he uses it prudently and frugally and honestly. He is scrupulous in his dealings. He knows his career is only as good as his work. Ralph Nader said, "(t)he government couldn't possibly function without the inputs provided by skilled advocacy of special interests be they industrial or otherwise".

Surely, as in every form of human endeavor, there are the "white hats" and the "black hats" among the interests being supported by lobbyists, and, in the end, when all the arguments are done and each advocate has had his say, you, the legislator, are responsible to sort the conflicting claims and make a decision for which you alone are to be held responsible.

CHAPTER IX
LEGISLATIVE SERVICE AGENCIES

<u>Agency</u>	<u>Chairman, January 1975</u>	<u>Agency Head and Title</u>	<u>Helena Office Location</u>	<u>Page No.</u>
Consumer Counsel	Rep. Joe Quilici (Member)	Geoffrey L. Brazier, Consumer Counsel	330 Fuller Ave. (ph. 449-2771)	42
Environmental Quality Council	Sen. Elmer Flynn	John W. Reuss, Executive Director	Capitol Bldg. Room 102* (ph. 449-2848) (ph. 449-3742)	42
Legislative Auditor	Rep. Harold E. Gerke	Morris Brusett, Legislative Auditor	Capitol Bldg. Room 135 (ph. 449-3122)	44
Legislative Council	Sen. Carroll Graham	Rosie Weber, Executive Director	Capitol Bldg. Room 138 (ph. 449-3064)	47

* Main office location: 1228 11th Avenue

CONSUMER COUNSEL

The Consumer Counsel is an office mandated by the 1972 Constitution and provided for by a statute enacted in 1973. Supervision and policy guidance comes from the Consumer Committee, four legislators appointed for two-year terms in the same manner as standing committees are appointed. The two members from each house must be from the two parties.

The committee hires the Consumer Counsel, who must be a lawyer with a background in accounting. His main function is to represent the interests of the consumer before the Public Service Commission. He can supply information to legislators regarding regulated transportation and utility rates.

ENVIRONMENTAL QUALITY COUNCIL

The Environmental Quality Council (EQC) was established in 1971 with the enactment of the Montana Environmental Policy Act (Section 69-6501 et seq., R.C.M. 1947).

The Council consists of thirteen members. The Speaker of the House appoints four members from the House -- two from each party for two-year terms. The Committee on Committees of the Senate appoints four members from the Senate -- two from each party for four-year terms. The Governor appoints four members with the consent of the Senate, two of whom have two-year terms and two of whom have four-year terms. In addition, the Governor or his designated representative serves as an ex officio member of the Council.

In naming EQC Council members Section 69-6508 requires that in considering legislative and public appointments to the Council:

"consideration shall be given to their qualifications to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the state government in the light of the policy set forth in this act; to be conscious and responsible to the scientific, economic, social, esthetic, and cultural needs and interests of the state; and to formulate and recommend state policies to promote the improvement of the quality of the environment."

The Montana Environmental Policy Act (MEPA) establishes a state policy for the environment (Section 69-6503) that declares that "it is the continuing policy of the state of Montana ...to use all practicable means and measures...to create and maintain conditions under which man and nature can coexist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Montanans."

The Act directs state agencies to incorporate environmental considerations into their

decision-making procedures (Section 69-6504(b)(1)), to prepare detailed statements (environmental impact statements) on major actions significantly affecting the quality of the human environment (Section 69-6504(b)(3)), and to extend the provisions of the Act to the existing authorizations of all state agencies (Section 69-6507).

Day-to-day operations of the EQC are carried on by the executive director and his staff. The current staff consists of an ecologist, economist, land use analyst, legal assistant, environmental impact statement coordinator, research assistant, and administrative assistant and two clerk-typists.

Among environmental agencies in other states, EQC is unique in that it is a branch of the legislature. EQC was specifically designed by the Montana legislature to assist it by providing an environmental oversight to watchdog role over state agencies. The EQC staff reviews state agency environmental impact statements, reviews agency programs as they relate to environmental issues, and assesses state agency compliance with other provisions of the Montana Environmental Policy Act.

The Act itself specifies ten duties of the EQC staff (Section 69-6514):

- (a) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in section 3 [69-6503] of this act to compile and submit to the governor and the legislative assembly studies relating to such conditions and trends;
- (b) to review and appraise the various programs and activities of the state agencies in the light of the policy set forth in section 3 [69-6503] of this act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the governor and the legislative assembly with respect thereto;
- (c) to develop and recommend to the governor and the legislative assembly, state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;
- (d) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;
- (e) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;
- (f) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislative assembly requests;

- (g) to analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences, and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;
- (h) to consult with, and assist legislators who are preparing environmental legislation, to clarify any deficiencies or potential conflicts with an overall ecologic plan;
- (i) to review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities, and with a general ecologic perspective, and to suggest legislation to remedy such situations.
- (j) to transmit to the governor and the legislative assembly annually, and make available to the general public annually, beginning July 1, 1972, an environmental quality report concerning the state of the environment....

The EQC has no administrative responsibilities. Its small, professional staff utilizes an interdisciplinary approach which stresses policy analysis and program evaluation. For the last eighteen months the major EQC project has involved preparing two major state policy studies -- the Montana Land Use Policy Study and the Montana Energy Policy Study. During the 1975 legislative session the EQC hopes to make its services available to legislators in four areas:

- (1) Provide informational reports on land use and energy issues or on such other areas as requested by individual legislators.
- (2) Assist legislators, upon request, in preparing or working with legislation concerning land use, energy, or such other areas dealing with human environmental problems.
- (3) Provide technical assistance as requested to legislative committees requiring EQC staff expertise.
- (4) Make available an "environmental note" to accompany significant environmental legislation introduced in the 1975 session.

LEGISLATIVE AUDIT COMMITTEE AND OFFICE OF LEGISLATIVE AUDITOR

The Legislative Audit Committee and the Office of the Legislative Auditor were statutorily created by the Legislative Audit Act of 1967 to administer the legislative post-audit function in Montana. The new state constitution, which became effective in 1973, established the legislative post-audit function as a constitutional function. The 1974 Legislature established a fiscal analysis function within the Office of the Legislative Auditor.

Legislative Audit Committee:

The Legislative Audit Committee consists of four senators and four representatives, appoint-

ed to the Committee for a two-year term in the same manner as other standing committees of the Legislature. Vacancies occurring while the Legislature is not in session are filled by the selection of a member of the Legislature by the remaining members of the Committee. The Committee is bipartisan in that only two members from each house can be members of the same political party. Membership on the Committee ends with the termination of each member's term in office or until a successor is appointed. A new committee will be appointed during the 1975 session. The Committee is responsible for appointing the Legislative Auditor and meeting as often as necessary to advise and consult with the Legislative Auditor. The Committee hears the reports prepared by the Office of the Legislative Auditor, at which time they become public documents.

Office of the Legislative Auditor:

The Legislative Auditor is appointed for a two-year term and is responsible to the Legislature through the Legislative Audit Committee. The major functions of the office are to:

- (1) Audit the financial affairs and transactions of every state agency and prepare written reports on each audit; and
- (2) Assist the Legislature, its committees, and its members by gathering and analyzing information relating to the fiscal affairs of state government, including an independent review of the executive budget and other executive fiscal proposals.

The Office of the Legislative Auditor, located in Room 135 of the Capitol, carries out these functions within the following two programs:

- (1) Audit and Examination Program; and
- (2) Fiscal Analysis Program.

Audit and Examination Program:

The Audit and Examination Program is staffed by professional auditors, including Certified Public Accountants, who are performing three major types of audits:

- (1) Financial statement audits -- testing and verification of account balance accuracy and propriety;
- (2) Financial compliance audits -- verification of compliance with laws and regulations in addition to account balances; and
- (3) Program or performance audits -- evaluations of the efficiency, economy, and effectiveness of state agency programs.

These audits are performed in accordance with the generally accepted auditing standards established by the American Institute of Certified Public Accountants and the U. S. General Accounting Office.

The statutory objectives of the audits are to determine whether:

- (1) Agencies are carrying out only those activities or programs authorized by the Legislature and are conducting them efficiently and effectively.
- (2) Expenditures are made only in furtherance of authorized activities and in accordance with applicable laws and regulations.
- (3) Agencies are collecting and accounting properly for all revenues and receipts arising from their activities.
- (4) The assets of the agencies or in their custody are adequately safeguarded, controlled, and utilized in an efficient manner.
- (5) Reports and financial statements issued by agencies to the Governor, the Legislature, and central control agencies disclose fully the nature and scope of the activities conducted, and provide a proper basis for evaluating the agencies' operations.

Audit reports prepared by the office are made public through formal presentation to the Legislative Audit Committee. Prior to formal presentation and public release, draft audit reports are thoroughly discussed with appropriate administrative officials. Formal written comments and position statements are solicited from administrative officials and incorporated into the printed report. Although the audit reports include comments, recommendations, and suggestions, the Legislative Auditor has no authority to enforce them nor direct executive or legislative action.

Fiscal Analysis Program

House Bill 1128 of the 1974 Legislature created a legislative fiscal analysis program within the Office of the Legislative Auditor. It was the intent of this legislation to create a professional fiscal research staff, responsible to the legislature, who could independently review the executive budget and other executive fiscal proposals.

The fiscal analyst, who is responsible to the Legislative Auditor, directs a staff of five professional research analysts.

During the legislative session the fiscal analysis staff will be available to staff finance committees and subcommittees -- particularly with regard to legislative action on the governor's budget. Analyses of selected areas of the executive budget will be available to the finance committees and all members of the Legislature.

The staff will also respond to requests by individual legislators for research type financial information and analyses.

Biennial Reports

Biennial reports summarizing the activities of the Legislative Audit Committee and the

Legislative Auditor for the two years encompassed by the report and describing the audit policy under which the function is administered are prepared and distributed to all legislators.

The fourth biennial report covering activities for the past two years will be delivered to all legislators during the first week of the session.

LEGISLATIVE COUNCIL

The eight-members of the Legislative Council, four senators and four representatives, are chosen by the Committee on Committees in the Senate and by the Speaker of the House of Representatives. The Council is bipartisan and the term of office is for a biennium. A new Council will be selected during the 1975 session.

Council members meet monthly between sessions to consider various administrative matters such as staff hiring, printing contracts, the legislative intern program, etc., and to decide questions of an emergency nature which arise between sessions.

The Staff:

The Council staff is divided into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division.

The Legislative Services Division is responsible for clerical preparation of introduced bills, for engrossing and enrolling bills, and for printing and mailing of the bills. This division uses the most advanced computerized bill drafting system available and is thereby capable of operating with a high degree of effectiveness and accuracy with a relatively small staff of typists and proofreaders. An explanation of this legislative system and description may be found later in this chapter.

This division is also responsible for producing the text and indices of all legislative publications for printing and distribution: Senate and House Journals, Preliminary Session Law Compilation, Session Laws, and Legislative Review. The automated process is utilized in creating ASDS tapes ready for type-composition, pagination and final printing and binding.

The Research and Reference Services Division is responsible for providing the basic research service common to most Council staffs. Committees operating during the session or during an interim are served by staff members from this division.

The Legal Services Division is responsible for bill drafting and providing legal assistance and research to committees during the session and during the interim. This division also provides counsel for individual legislators relative to any legal problem that arises during a session or interim.

The Management and Business Services Division has not been utilized to date.

Legislative Interim Operations:

Section 43-717 constitutes the Joint Rules Committee of the House and Senate as a "Committee on Priorities." This committee considers all resolutions requesting studies and selects those to be given interim consideration. No committee may act on any study or measure in the interim unless the same was assigned to it by the Priorities Committee.

There are two types of committees which function during an interim: joint interim subcommittees and select committees. The joint interim subcommittees are appointed from the regular standing committee. Four members, two from each party, are appointed by the chairman of each standing committee to serve with four selected from the respective committee of the other house. These subcommittees do the major interim work. The subcommittee reports directly to the legislature.

A "select committee" is formed during a session to examine a particular issue or bill. This committee is responsible to the house from which it was selected. It operates in a fashion similar to the joint subcommittees except that it may operate during a session. A select committee reports back to the entire body.

Interim Reports:

The reports of the 1974 interim subcommittees are available for distribution to legislators, departments of state government and interested citizens.

Legislative System Description

The following description will relate how the legislative system can be used as a tool in the legislative bill drafting area to facilitate the legislative process in relation to cost, time and accuracy. When a legislator is drafting a bill to be introduced to the House or Senate, one of the prime things he is concerned about is what this bill will do to other statutes related to the same subject. Therefore, the legislator would frame a query and enter it through the SIRS Query system; for example, a bill introduced related to landlords -- a query could be framed with the word "landlord and/or tenant" and entered through the SIRS Query system; the report that returns to the legislator would relate all of the sections containing the word "landlord or tenant". This aides in preparing the bill for

introduction and allows the sponsors to be better informed of all existing laws related to the same subject. Upon drafting this bill, the legislator would submit it to the Legislative Council which would enter it through a terminal into the ALTER system. If this bill introduced is new law, it would be entered in its entirety by the operator. If it is an amendment to an existing statute, the operator would utilize the Get-A-Statute program bringing that section from the SIRS data base into the ALTER system, thus relieving her of the following:

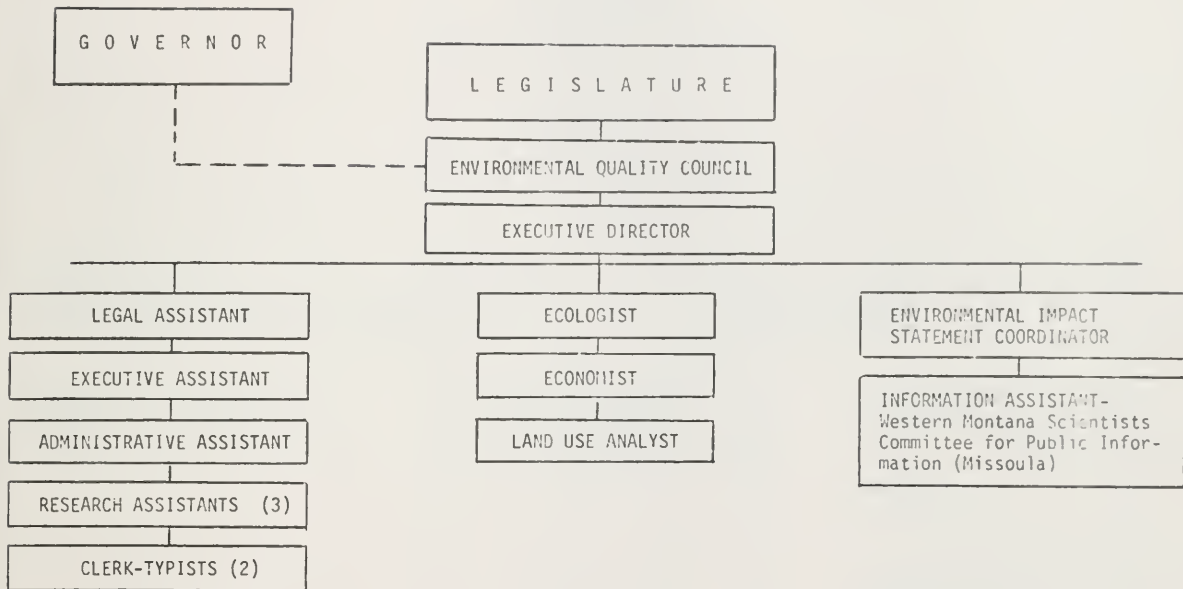
- (1) retyping all of the existing text,
- (2) proofreading of this text, and
- (3) accuracy in making the change(s) proposed by the legislator.

Upon introduction of this bill it is formatted on the terminal by the ALTER system for introduction to the House or Senate. Upon being passed by both the House and Senate, this bill is enrolled utilizing an Application program and reprinted for presentation to the governor for signing. Upon being signed by the governor, the bill is then formulated with new headings to be prepared for the Session Law publication. This process continues until the end of the session, at which time all of the bills presented and passed during that legislative session have been entered into the ALTER system. The Legislative Council would then select these bills off the ALTER system creating a Session Law tape. This tape would be processed through the TIPE system producing camera-ready copy for the Session Law publication.

Upon completion of this action, all of these bills would then be accessed by an operator, utilizing the ALTER system, removing its headings, introductory information and footings which consist of the signature page and approved date. These bills would then be stored under a different naming convention and selected from the ALTER system creating a Pre-Session Law or Supplement tape, which would reflect all of the statutes that were modified, deleted or introduced during the last session. This tape would be processed through a Pre-Session Law User Module which would insert all information for folios and running heads and then processed through the TIPE system producing camera-ready copy for the Pre-Session Law or Pocket Supplement publication.

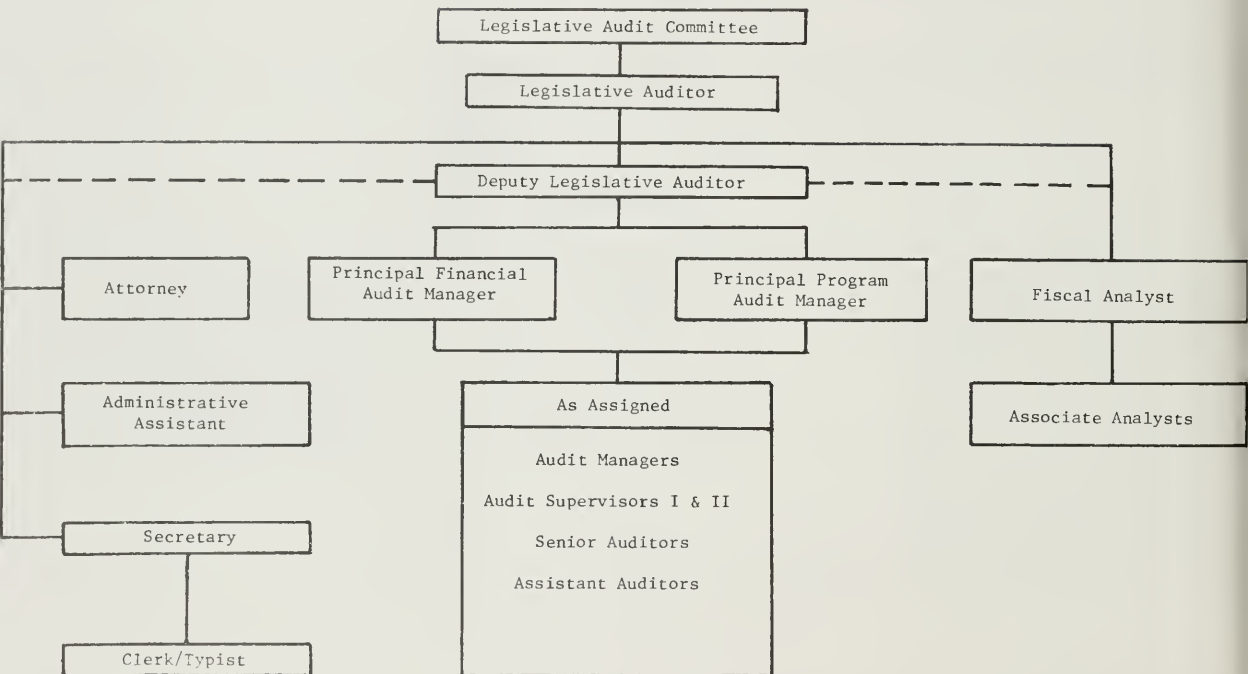
The Pre-Session Law or Supplement tape used to prepare these publications would then be processed through a Pre-Statute Update Module which would change or remove any extraneous text thereby producing a Statute Update tape. As a one-time program, the Translate program is utilized to take the SIRS data base and translate it to ALTER format producing a Statute Master File. The Statute Update tape and the Statute Master File tape are processed through the SPLIT/MERGE program to produce an Updated Statute Master File. This file can be utilized for processing through the Automatic Update program to create a new SIRS data base for the next legislative session and/or processed through the Statute User Module and TIPE system to produce Statute publications.

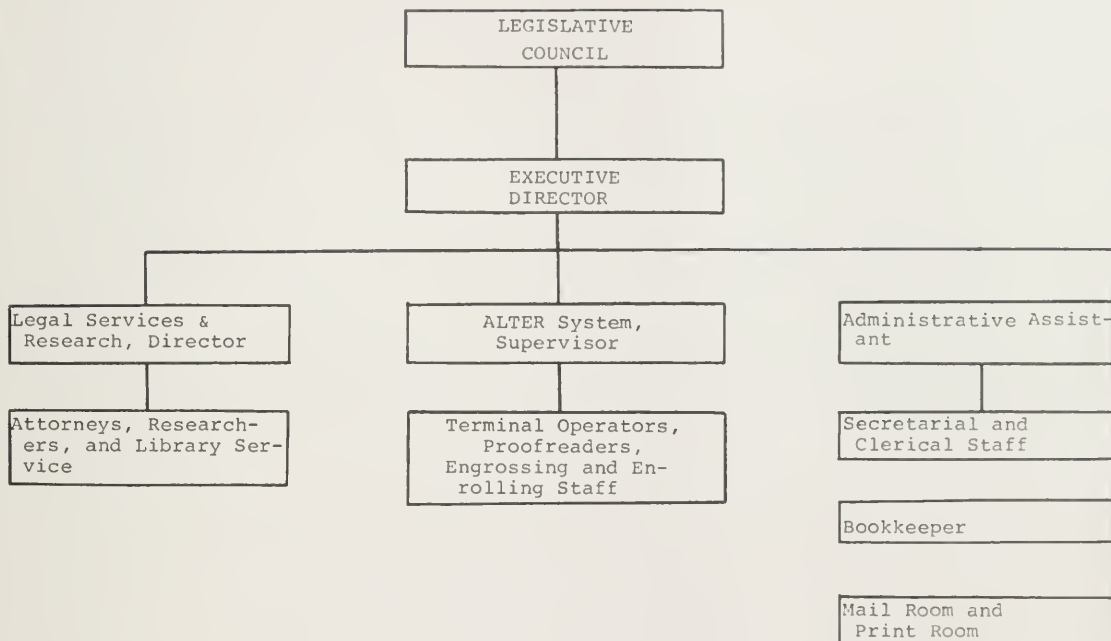
If after the legislative session the state decides to recodify, it may use the Updated Statute Master File, selecting sections of text from this tape and placing them in the ALTER system for modification, updating, changing, etc., thus selecting off a new tape and processing it through the Pre-Statute Update Module and again merging the Statute Update tape with the Statute Master File, producing a new Updated Statute Master File.



OFFICE OF THE LEGISLATIVE AUDITOR

ORGANIZATION CHART





CHAPTER X

MONTANA STATE GOVERNMENT

THREE BRANCHES

Like the classic Latin phrase, "All of Gaul is divided into three parts", State government is divided into three branches: The Judicial, Executive and Legislative. There are only three basic functions of government:

- (1) to determine the rules and laws under which government will function (set policy);
- (2) to carry out that policy; and
- (3) to settle disputes arising from interpretations or applications of the policy.

Traditionally, in accordance with our constitutional guarantee of a "republican form of government" each of the functions of government is supposed to be carried out by a separate branch of government. However, the complexity of modern life has required the delegation of substantial policy-making power to the various executive departments. One need only look at the massive fifteen volume administrative code (which contains rules adopted by state agencies pursuant to the Administrative Procedure Act, and which are as binding as law) to know that the executive branch also has "law-making" power. Also the governor has inherent power to issue Executive Orders which sometimes carry as much weight as a law.

In fact the legislative function is exercised in some degree by all three branches of government -- even by the Courts. Historically "judge-made law" is the principle source of our common law and by interpreting laws, declaring some of them void, unconstitutional, etc., the Courts are constantly exercising "legislative power."

In other words absolute "Separation of Powers" is somewhat of a fiction in light of the extensive overlap that exists.

JUDICIAL BRANCH

The judicial power of the State is vested in the Supreme Court, consisting of a chief justice and four justices; district courts; justice courts; police and municipal courts.

Under the 1972 Constitution the legislature may increase the number of Supreme Court justices from four to six.

The Supreme Court hears appeals from the district courts and is also a Court of original jurisdiction in certain cases. For instance, if it is imperative that a law be interpreted as quickly as possible, the Supreme Court may assume original jurisdiction and decide the controversy at once. Examples would be laws that might affect an upcoming election or that are causing a public strike of an emergency nature. Any inquiries regarding the Supreme Court should be directed to the Chief Justice.

Clerk of Court:

The Clerk of the Supreme Court keeps all Supreme Court records. If you want to read a particular Court decision or simply find out something about the Supreme Court, visit the Clerk's office first.

EXECUTIVE BRANCH

Prior to a 1970 Constitutional Amendment the executive branch consisted of about 188 separate agencies. There are now six elected officials and nineteen principal departments in the executive branch.

Identifying the Proper Agency:

One of the first questions a legislator asks is, "Where do I find this particular information about a particular program in the executive branch?"

The legislator needs to know which agency is likely to have the information he needs. There are a variety of sources to use in identifying the proper agency:

- (1) The Department Organizational Charts -- the name of the division, bureau or section is usually a clue to its functions. Organizational charts for each executive department follow this chapter.
- (2) The Annual Reports of the departments -- these are a valuable source of information concerning the various programs carried out by the departments. They are kept in room 221 of the Capitol and are open to public inspection. Copies may be obtained from the particular agency involved.
- (3) Executive Budget Book -- The average legislator can make tremendous use of this book. It will be very useful if you initially select departments and programs which especially interest you or are of importance to your constituents and spend time becoming familiar with them. The budget book is organized on the "program approach" so that a reader can easily determine which agencies are responsible for which programs and how much the programs cost.

Department Contact:

Because of space limitations for explaining programs and agency operations, the budget book is not a complete source of information. Many legislators will want to go directly to the department. Most of the departments are no longer located in the Capitol. The legislative telephone directory lists the various agencies, street addresses and telephone numbers. Call the director, identify yourself as a legislator, along with the information you are interested in and find out if and when you can see him. The director will be glad to discuss his department with you and will make the proper members of his staff available to you. However, the director has many important things to do in addition to answering legislator's requests. Be sure to let him know if your needs are truly urgent and the time within which you need the information. Usually the director will introduce you to the people responsible for the day-to-day operations. The person who really does the work can handle your problem.

Executive Branch Legislative Liaison:

The Governor has appointed Jim Flynn to act as his legislative liaison. Located in room 214, Jim is the person to contact if you want to know the Governor's position on legislation (very often he may have none), general information concerning the Executive Branch, want an opinion on how to approach a certain agency, who to see, etc. The Legislative Council staff is always available as an information source. However, during the session, staff members assist committees, draft bills, etc., and do not have ample time for in-depth research. As a result, the major source of information about the executive agencies remains with the executive agencies. A legislator must be aware that this information is not always the most objective information; the agencies usually have something at stake with various alternatives. Experienced legislators can tell you which agency people tend to paint their agency in as glowing a light as possible and which can be relied upon to give you unbiased answers. Freshmen legislators have to learn.

A former legislator had this advice for approaching executive agency personnel:

"The best approach I've found when contacting agencies is to use a little bit of psychology. If you go into the agency like Gangbusters, with a chip on your shoulder and a club in your hand, the chances are that you'll be met by a very polite fellow with a chip on his shoulder and a club in his hand. And he'll, very politely, rap you over the head with it. And you won't know what happened. You wind up in a agency and you talk to agency operator "A" and "B" and all of a sudden you're on the fire escape outside and you haven't found out anything. On the other hand, if you have a sincere and conscientious desire to investigate some program, and it's expressed that way, you'll usually have good cooperation from agency people even in this quasi-adversary system where the agency may be "on the spot." You'll also find that many agency people think that the Legislature is like the common cold, a necessary evil. In spite of the semi-adversary ways of proceeding, if you develop a relation-

ship with these agencies, you can get specific answers to specific questions."

Another former legislator had this to say:

"Legislators are supposed to be policy makers but lately the role has been reversed with the executive branch making the policy and the legislative merely acting as a veto body or as a rubber stamp to OK the programs.

If, as a legislator you have a special area of interest -- for instance, highway contracts or state grazing leases and you think there might be a problem -- maybe you've heard rumors about this and that but you're not sure that legislation is needed -- why not talk it over with the appropriate committee chairman? If the area of interest is of broad enough concern it's possible to have the committee call the department director and responsible personnel for a heart to heart question and answer period.

Just how does the department let contracts? Just exactly what does this program do? Have you thought about this alternative? Why is it really necessary? What would happen if we abolished it? Why couldn't this other division do it?

Legislators often have very good ideas that work. You should have the opportunity to at least ask the executive agency if they have thought of alternatives. If so and it was discarded, why? This suggestion might save the time and expense of offering bills that aren't really necessary.

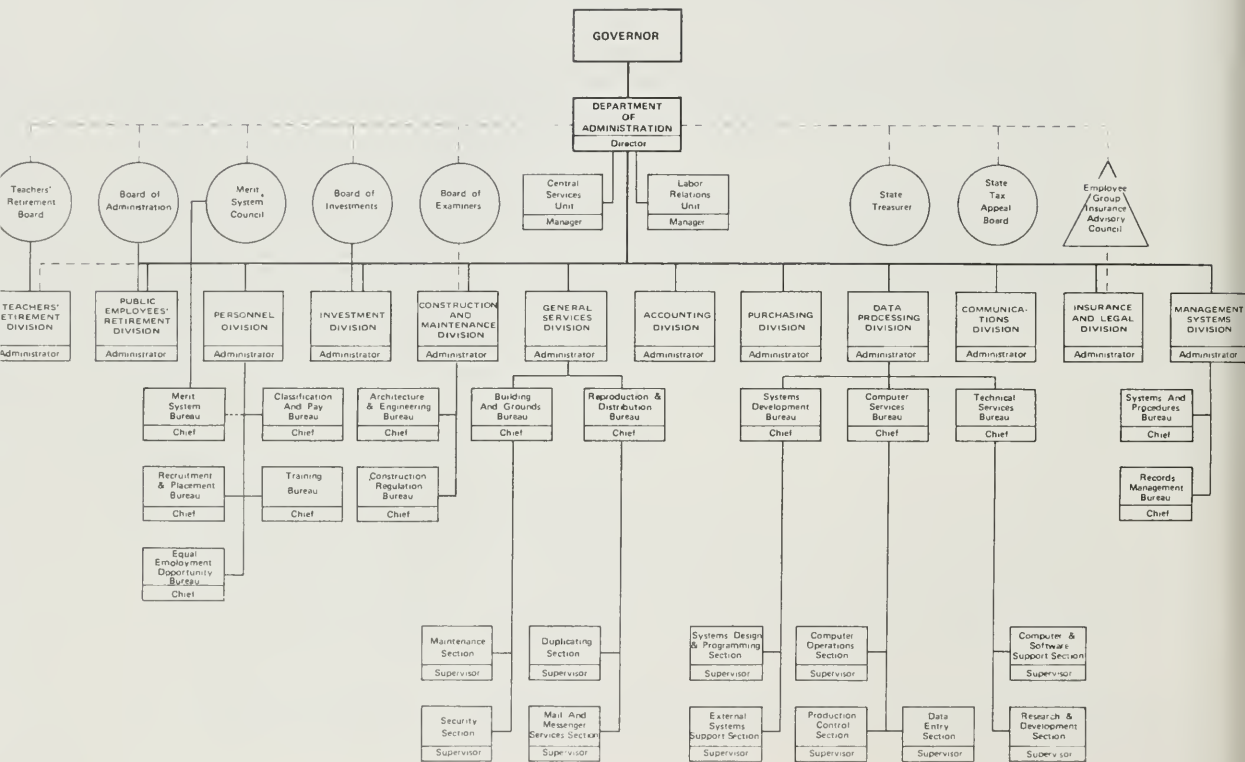
You won't find a format for this or even any precedent but it might be worth a try."

Suggestions for Seeking Information:

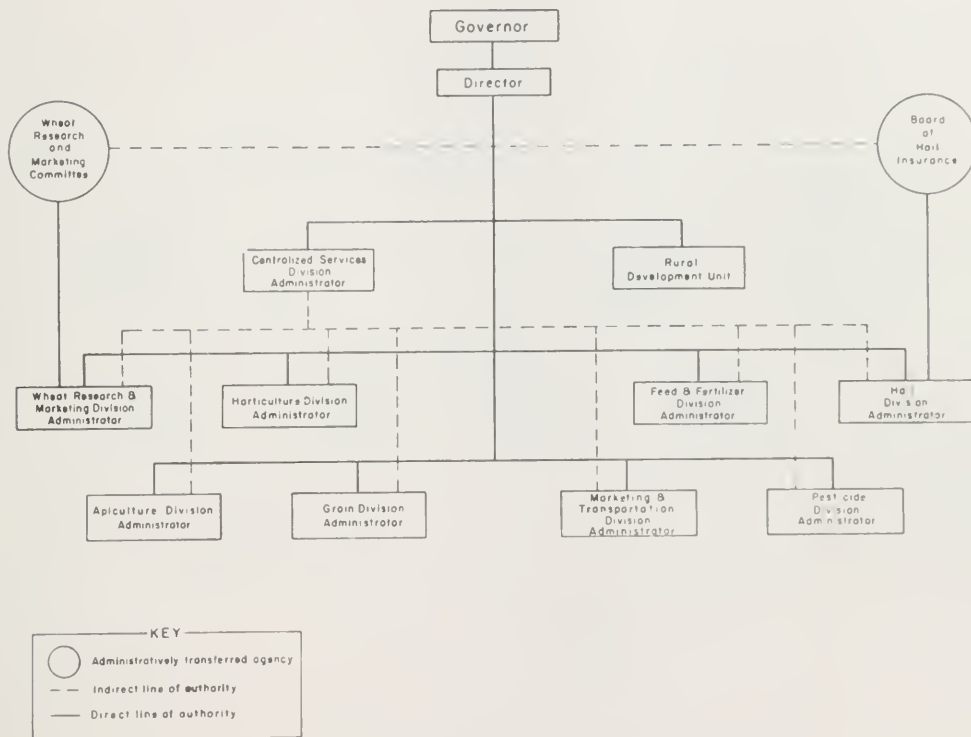
- (1) Make certain that requests submitted to agencies are reasonable and can be handled with a minimum amount of inconvenience.
- (2) If you don't know the person best able to help you with this request, identify him prior to submitting the request. Once you have contacted him, let him deal with it and don't try to go around him and bring all sorts of other people in. In order to identify this person, use those resources at your disposal, including the director, agency directories, informed persons within the agency, other legislators and lobbyists. (Keep a little notebook handy in which you can jot down "Whats-his-name in the _____ department -- handles such and such problems)."
- (3) Because time is one of the most valuable commodities for legislators and agency employees, requests should be as brief and succinct as possible and you should always indicate the urgency of your requests.

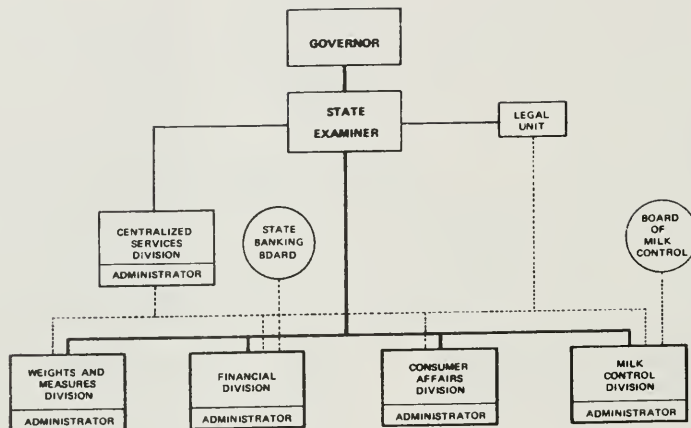
- (4) Since your initial contact about any problem will usually be over the phone, always identify yourself as a Senator or Representative. Use a follow-up procedure which reminds the agency of the request and keeps fresh in your mind the purposes of the inquiry. One technique for doing this is to make a request by reducing it to a succinct written request sent to the attention of someone in the agency with whom you've developed some rapport. You'll find it's much easier for them to handle. And, furthermore, you'll have a record of what you asked them for. And when the information comes back, you'll be able to compare it with the question that you posed on the paper. Strangely enough, lots of times a question comes to your mind, you ask it over the telephone, the agency goes to work on it and a couple of weeks, maybe a month later, you get some information back on it and you've forgotten the question! You've forgotten why you wanted to know that. So, it's a good idea, every time that you can, to reduce the thing to writing and send it to the agency. If you can't do that, at least make a memo to yourself as to the nature of the inquiry and why you want the information. It's helpful if you also include what the hunch was that prompted you to ask the question.
- (5) Finally, do the proper follow-up work in order to communicate the results of your request to the proper persons, to a constituent, a committee, or yourself.

ADMINISTRATION

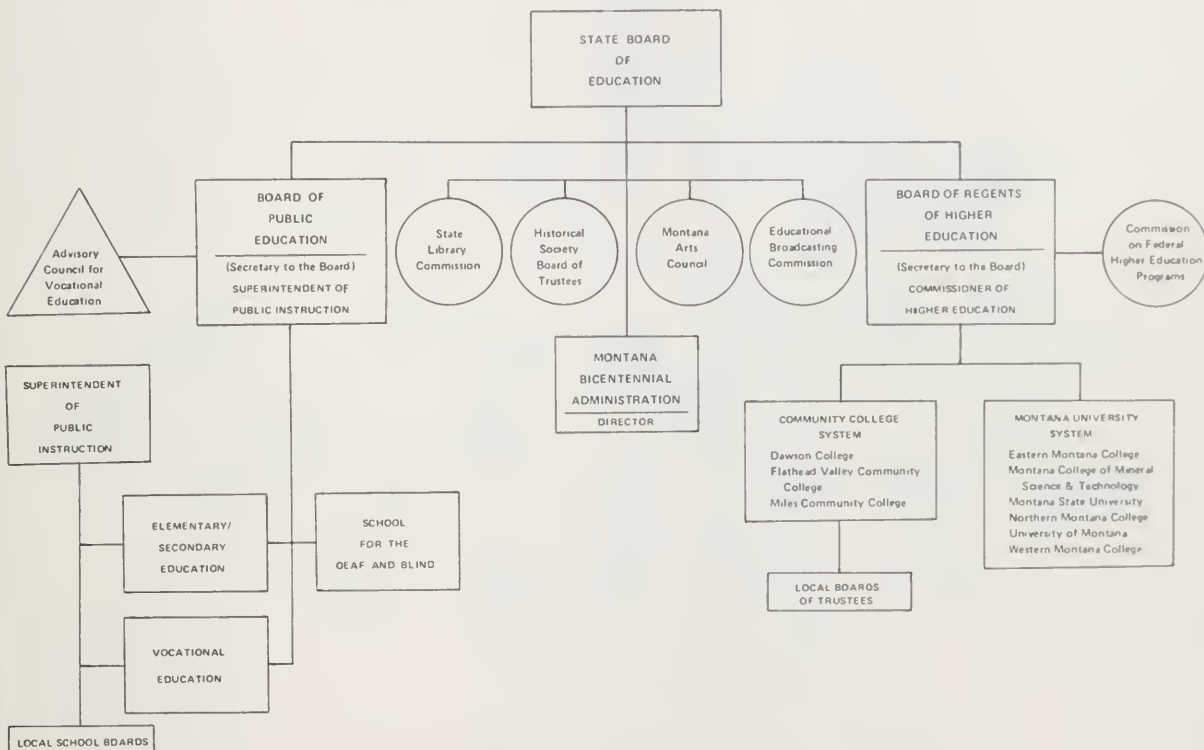


AGRICULTURE

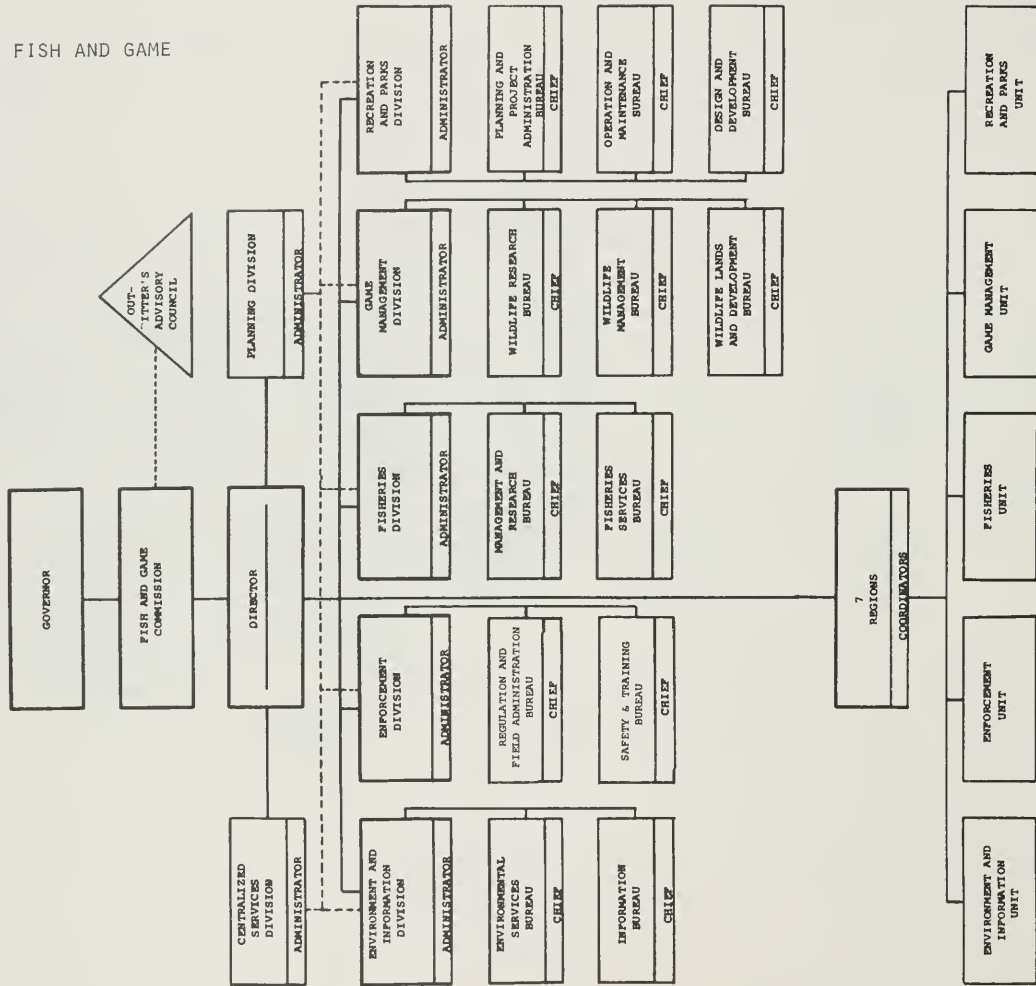




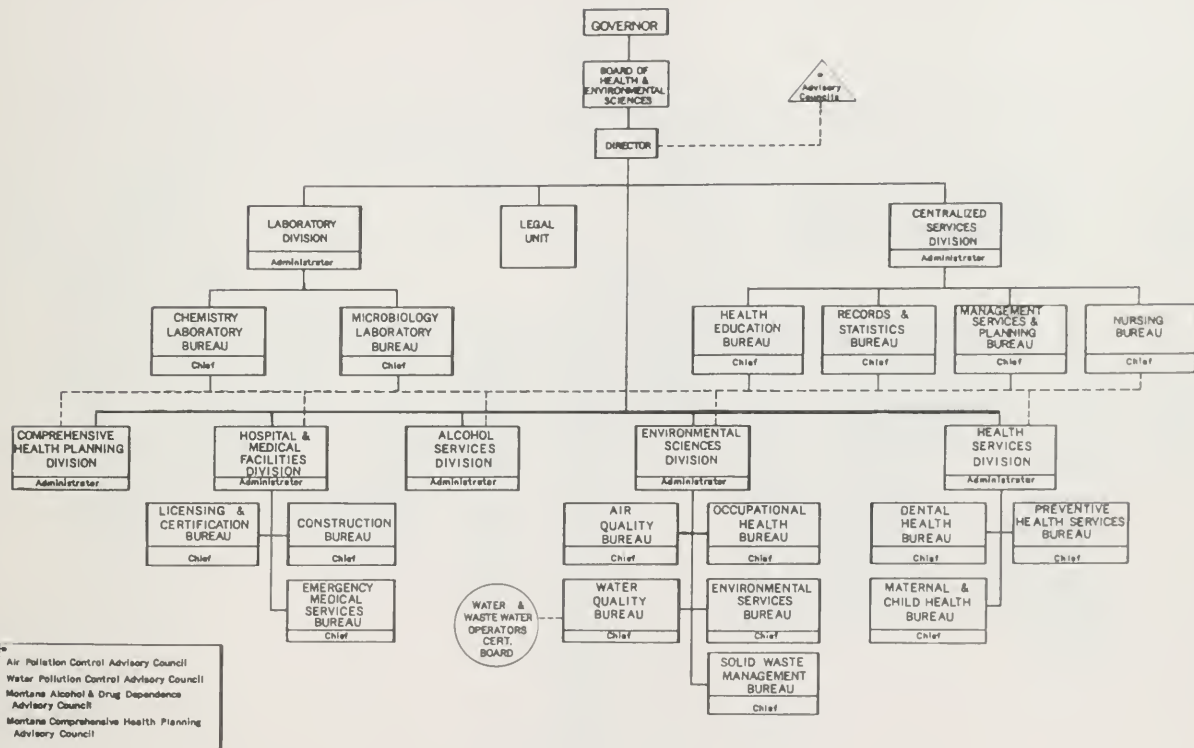
EDUCATION



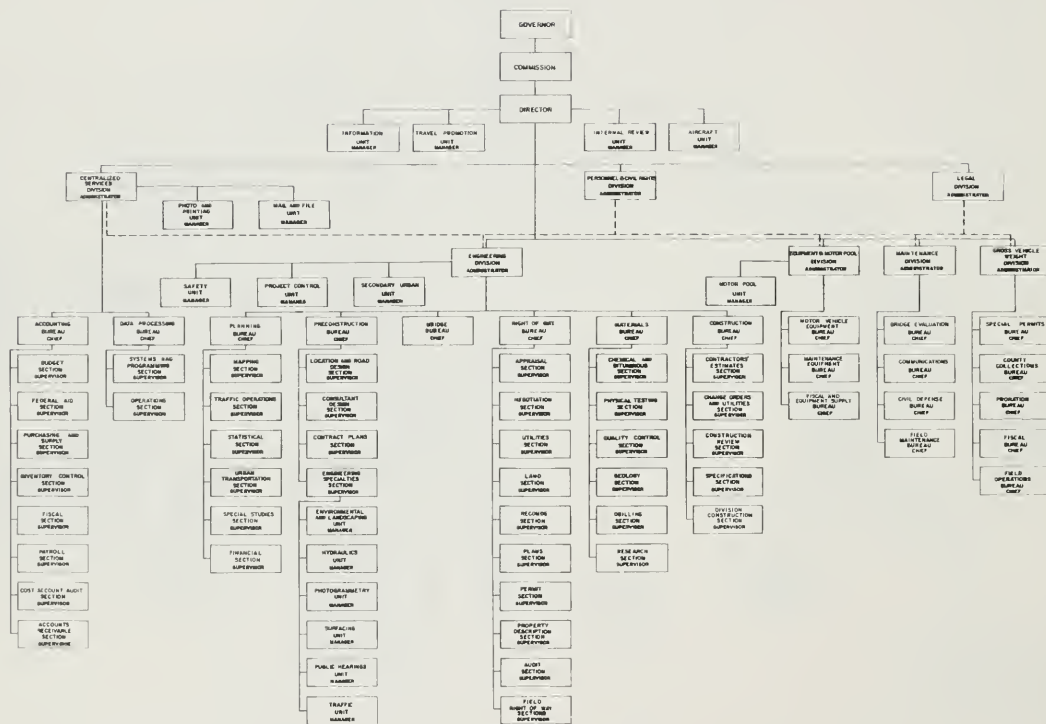
FISH AND GAME



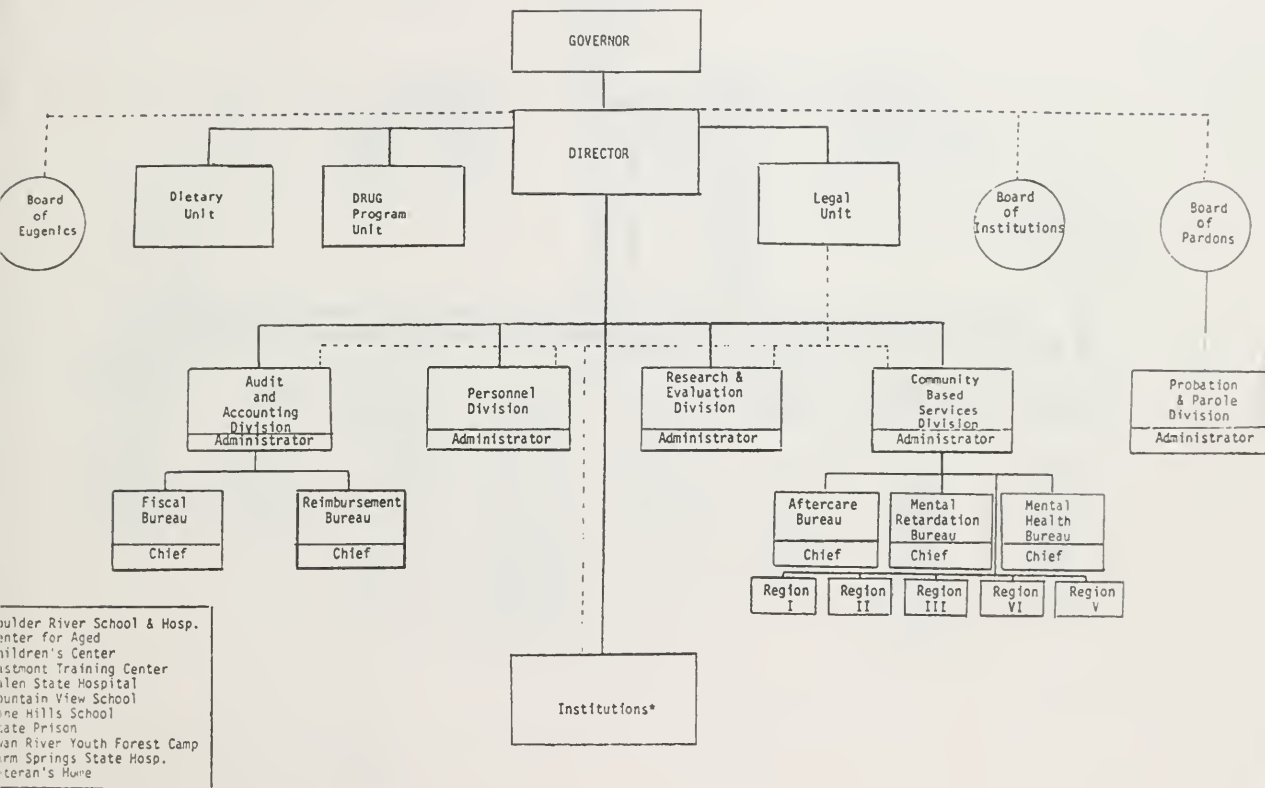
HEALTH AND ENVIRONMENTAL SCIENCES



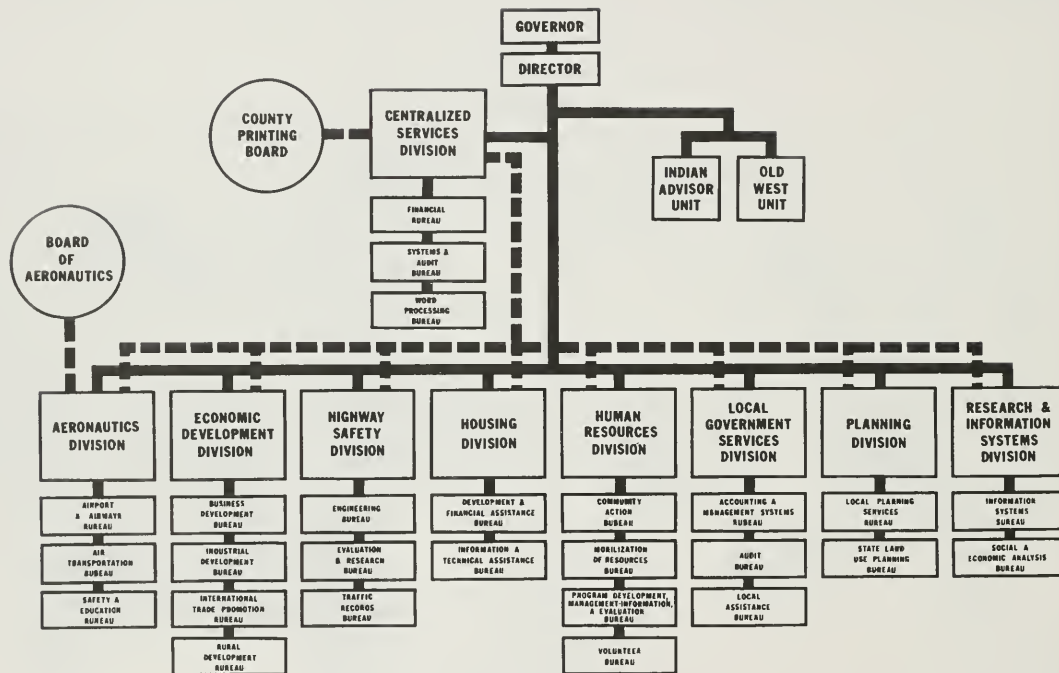
HIGHWAYS

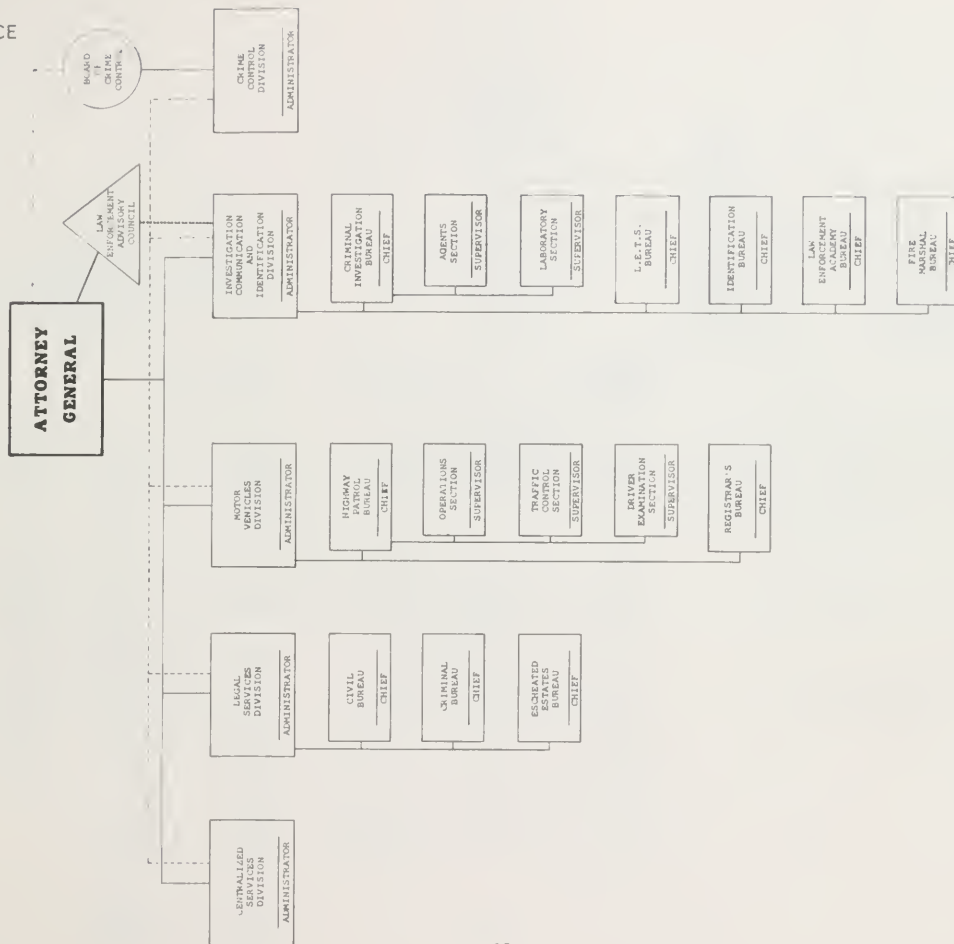


INSTITUTIONS

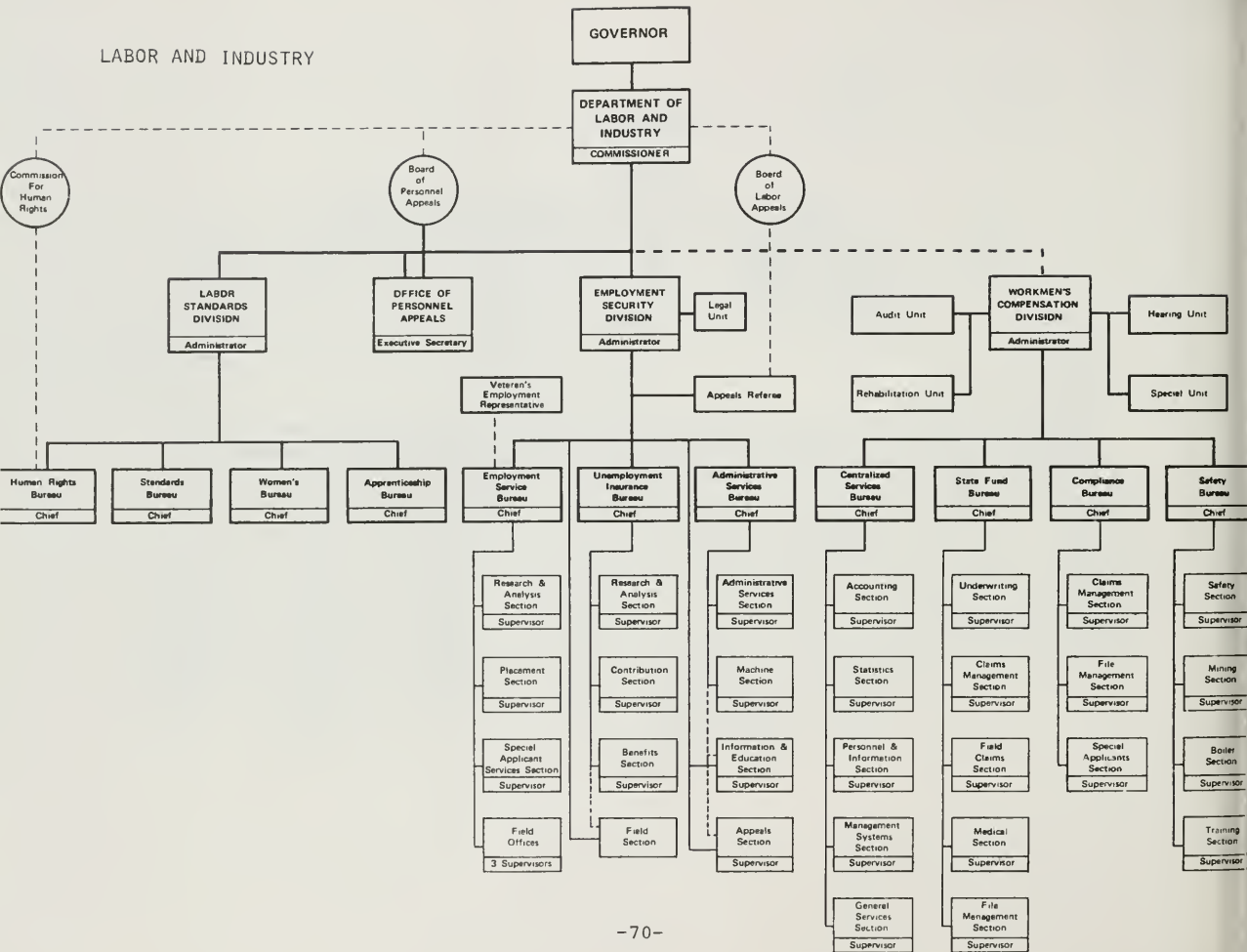


INTERGOVERNMENTAL RELATIONS

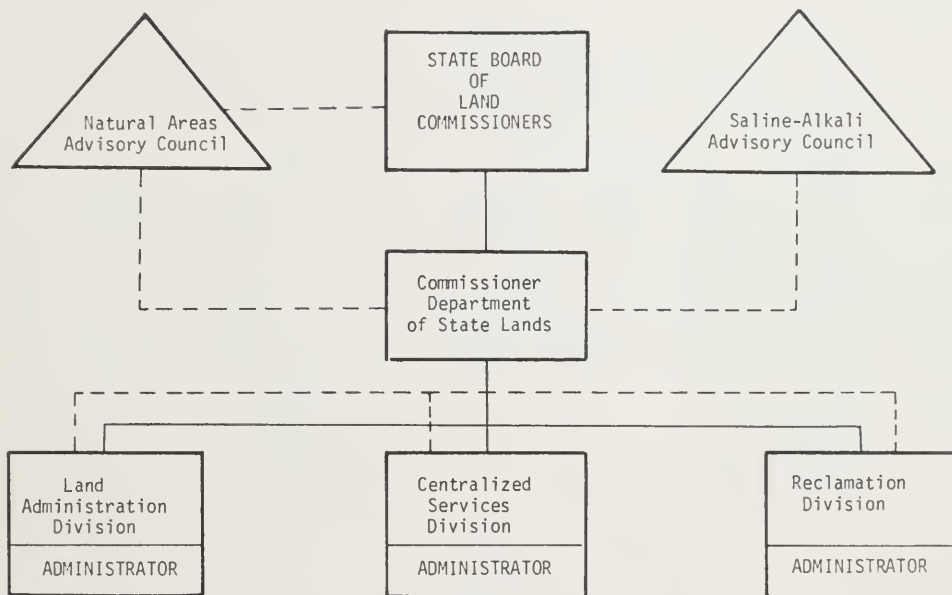




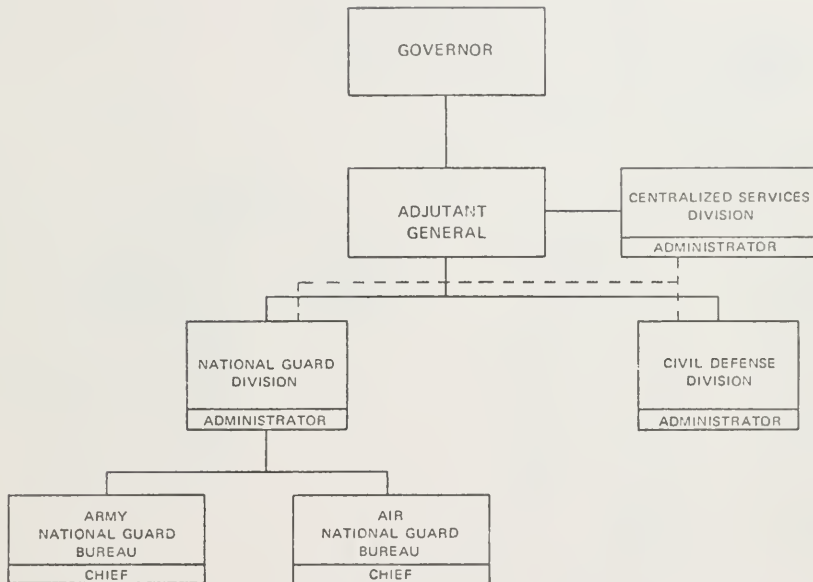
LABOR AND INDUSTRY



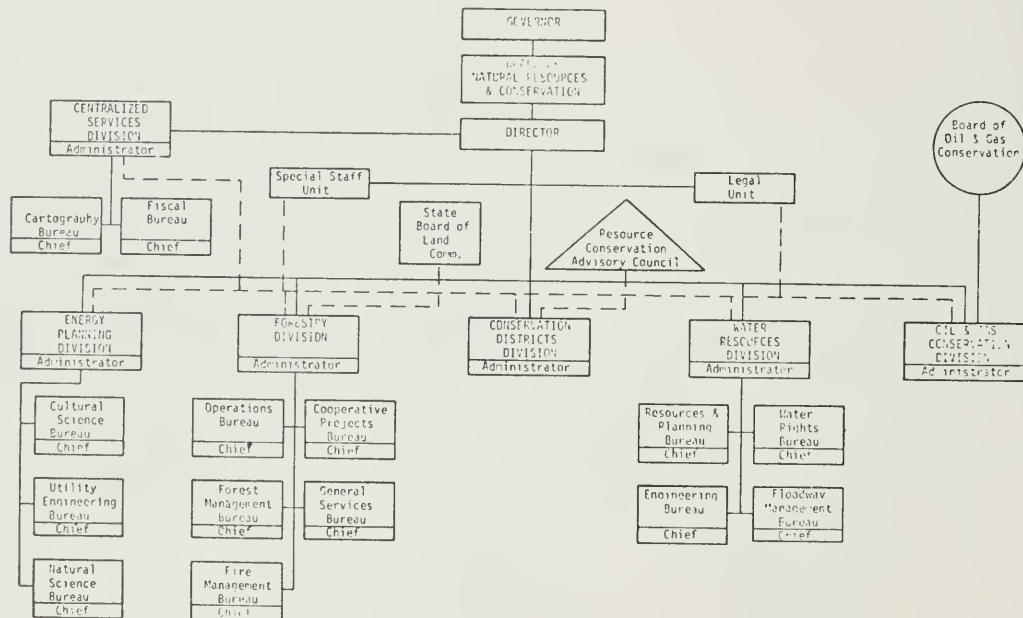
LANDS



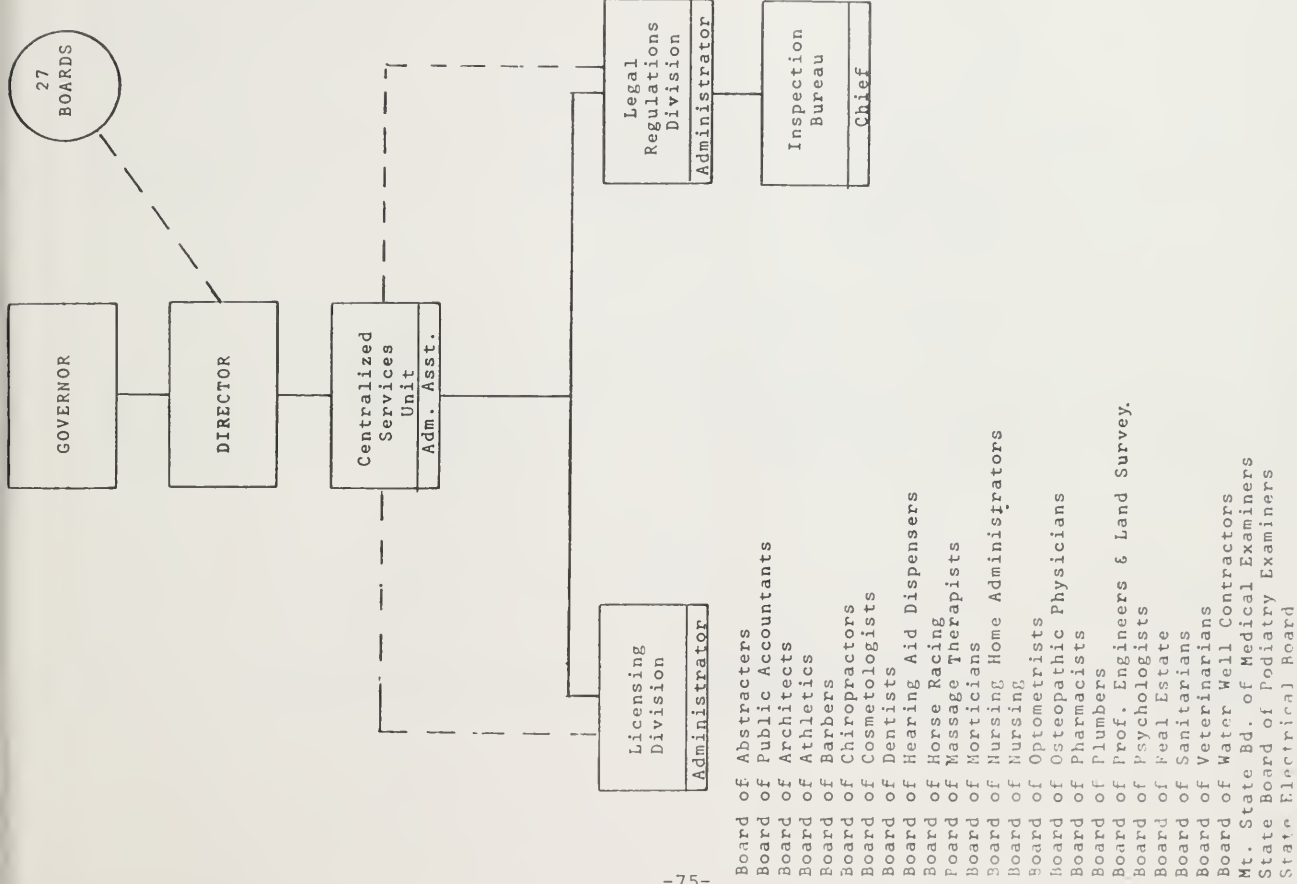
LIVESTOCK



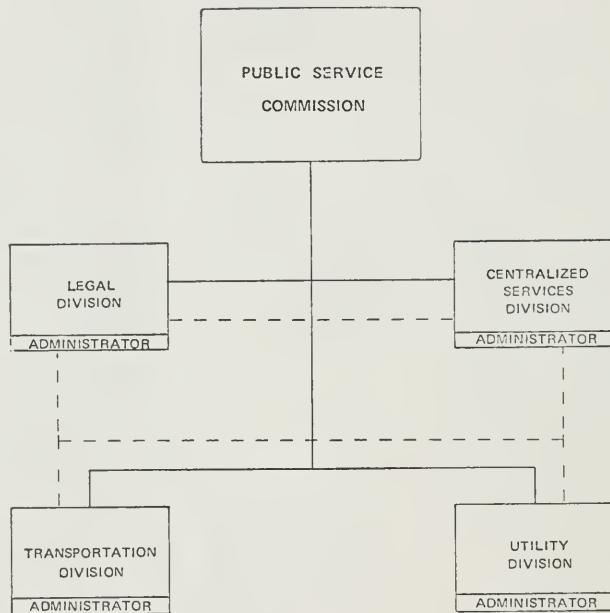
NATURAL RESOURCES AND CONSERVATION



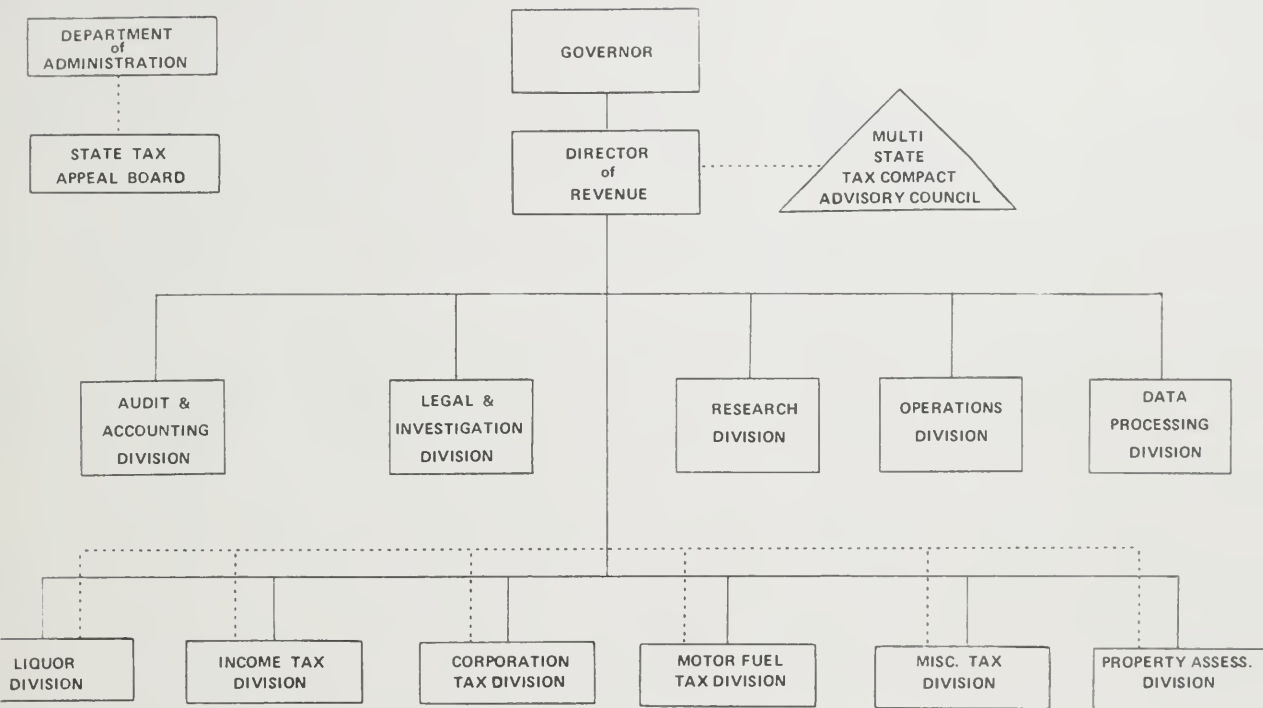
PROFESSIONAL AND OCCUPATIONAL LICENSING



PUBLIC SERVICE REGULATION



REVENUE



SOCIAL AND REHABILITATIVE SERVICES

